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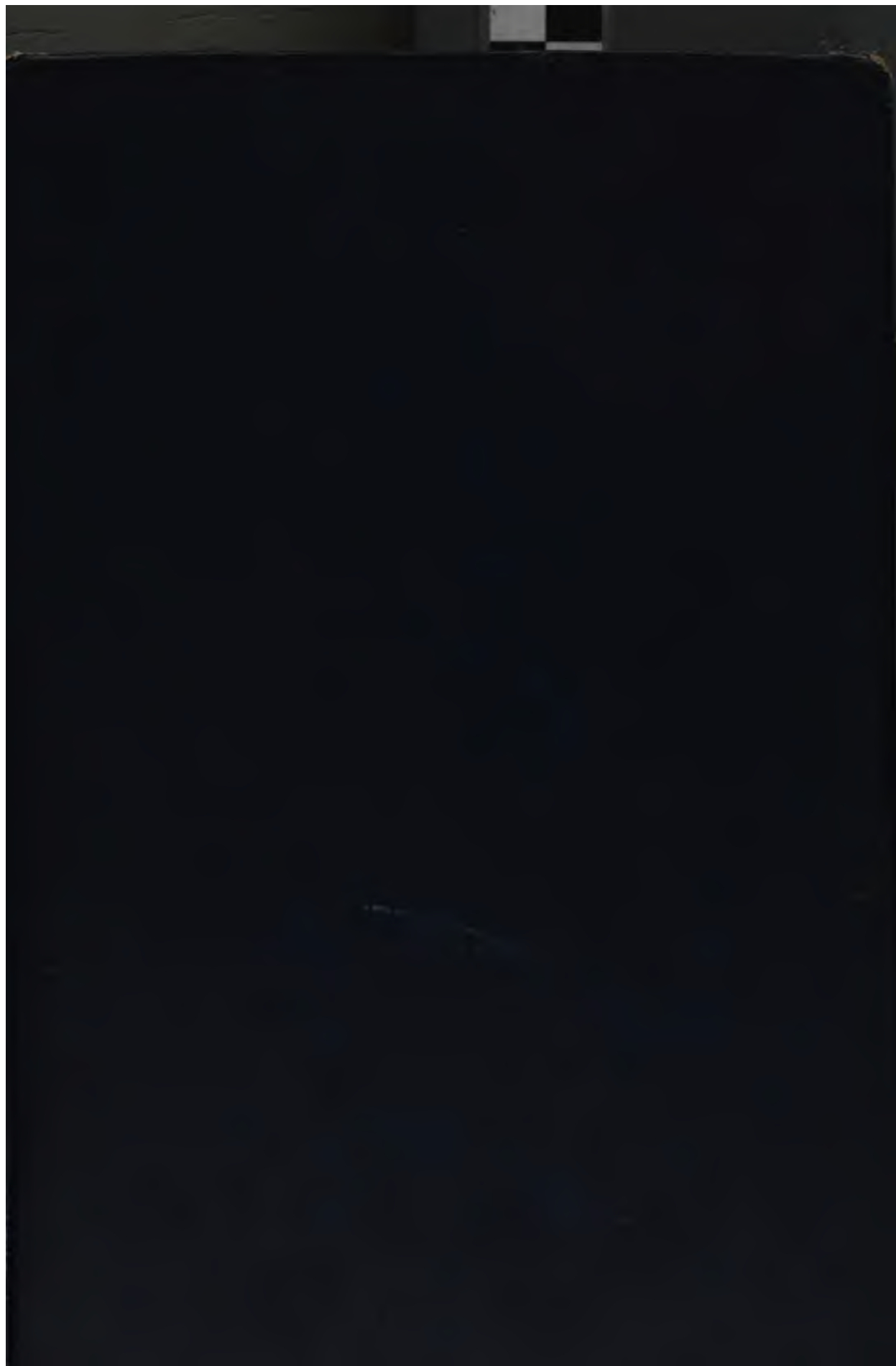
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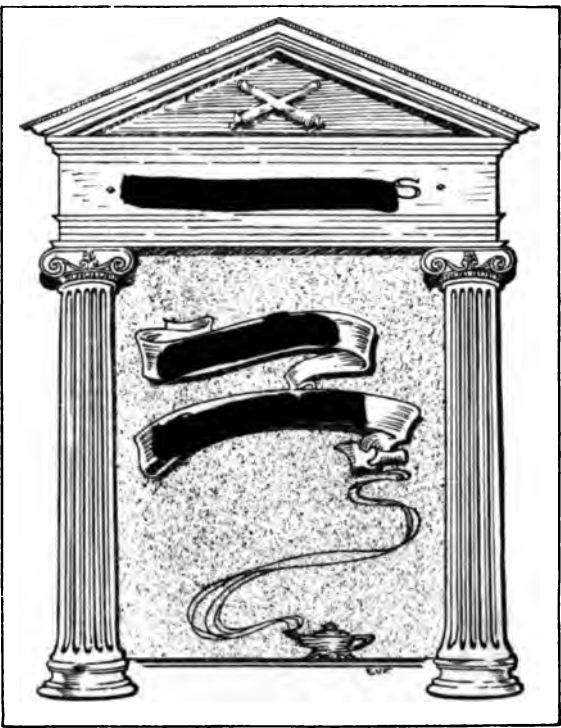
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INDIANA HISTORICAL SOCIETY PUBLICATIONS.

VOLUME II.

NUMBER I.

THE LAWS AND COURTS
OF
NORTHWEST AND INDIANA
TERRITORIES.

BY

DANIEL WAIT HOWE.

INDIANAPOLIS:
THE BOWEN-MERRILL COMPANY.
1886.

LAWS AND COURTS OF Northwest and Indiana Territories.

THE NORTHWEST TERRITORY. Almost the last noteworthy act of the old Confederate Congress was the passage of the Ordinance of 1787. The federal constitution had not then been adopted, but was under discussion in the convention. The vast region intended to be governed by the ordinance was an almost unbroken wilderness. On the North lay the British possessions, on the West was the great tract of country, afterwards ceded to the United States, known as Louisiana, and between that and the Northwest territory flowed the Mississippi, with banks yet as somber and as wild as when the bold La Salle floated down upon its placid current. South of it was the dark and bloody ground, where the recollection was yet fresh of cruel massacres and desperate conflicts between the white settlers and the Indians. Between the territory and the settled portions of the Atlantic sea coast stretched a wilderness filled with savage beasts and savage men. Within the territory were a few settlements clustered around forts scattered here and there. The Indians yet claimed title to nearly all the land. The trails were yet fresh over which Pontiac had led the warriors whom he summoned to his aid in his great conspiracy against the whites. To reach the new territory from the East the emigrant, if he started from the neighborhood of Albany,

New York, made his way, chiefly by water, to the great lakes, or, if he started from the region about Philadelphia, he crossed the Alleghanies, transporting his goods in six-horse wagons or upon pack-horses, and striking the Ohio at Fort Pitt, or Wheeling. Then he proceeded by land, loading his effects upon pack-horses, and plunging into the wilderness, or else he took a flat boat called an "ark" or "broad-horn," and floated down the Ohio, exposed every moment to danger of wreck by snags, or to the bullets of the savages who lurked in the darkness of the woods on the shores.¹ When he reached his destination he found the soil to be fertile, the vegetation luxuriant, all nature inviting man to join with her in developing the wealth of resources that had lain dormant for centuries. But he found everything as nature had made it. He had to cut down great forests before he could till the land. There were no roads, no cities, no towns, no schools, no churches. The ground was full of malaria, the woods were full of beasts of prey. A treacherous and savage foe watched his every motion with jealous eye. To venture far away from the vicinity of his co-pioneers was to run the risk of being tomahawked and scalped. It was in this wild and savage wilderness that civil government was now about to be established, and the reign of law to be inaugurated.

THE ORDINANCE OF 1787. The ordinance of 1787 has well been called the Magna Charta of the Northwest. It prohibited slavery forever within the limits of the territory. It secured religious freedom. It provided that "schools and the means of education shall forever be encouraged." It recognized and reaffirmed all those cardinal guarantees of life, liberty and property which our English ancestors had wrested from unwilling monarchs,

¹ Parkman's *Conspiracy of Pontiac*, p. 151. McMaster's *History of United States*, Vol. 2, p. 144. Cist's *Cincinnati Miscellany*, Vol. 2, p. 147.

and those which our forefathers had sanctified by the Revolution. It was a memorable beginning in the shaping of the destinies of the great states born of the Northwest territory, and has left its impress upon the constitutions and laws of all of them.

PLAN OF TERRITORIAL GOVERNMENT. The territory for the government of which the ordinance was adopted was styled, "The Territory of the United States Northwest of the River Ohio." It was stipulated that out of it should be formed not less than three, nor more than five, states. It was provided that a governor, secretary, and three judges should be appointed by Congress. By a supplemental act, passed in 1789, it was provided that all these officers should be appointed by the President by and with the advice and consent of the Senate, and that the secretary, in case of the death, removal, resignation, or necessary absence of the governor, should perform the duties of the latter. The law-making power was vested in the governor and judges until the organization of a general assembly. But the law-making power was carefully limited by the following provision: "The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original states, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit." By a subsequent act passed in 1792, the governor and judges were authorized to repeal the laws made by them whenever the same should "be found to be improper." It was further provided that, as soon as there should be five thousand free male inhabitants of full age in the district, a general assembly might be organized,

consisting of the governor, a legislative council of five members, selected as provided in the ordinance, and a house of representatives consisting of one member for every five hundred free male inhabitants, elected by the qualified voters. The governor was given power to "convene, prorogue, and dissolve the general assembly, when, in his opinion, it shall be expedient." No bill, or legislative act, was to be of any force without the assent of the governor, thus, in effect, giving him an absolute veto power. The judicial power was vested in the three judges, who were given common law jurisdiction, and any two of them were authorized to form a court.

ORGANIZATION OF TERRITORIAL GOVERNMENT. The first officers appointed were Arthur St. Clair, governor, Winthrop Sargent, secretary, and Samuel Holden Parsons, James Mitchell Varnum and John Armstrong, judges. The latter declining to serve, John Cleves Symmes was appointed in his place. On July 9, 1788, the governor and judges arrived at Marietta, which was then the only American settlement in the territory.¹ It could not have been an imposing capital, for we are told by Harris in his *Journal of a Tour in the Northwest Territory*² that by the first of December in that year, "besides single men and others for the purpose of building cabins for the reception of their families, about twenty families had arrived." The same writer deemed it worthy of note that as late as 1803 the buildings were "neat, though small, and furnished, in many instances, with brick chimneys and glass windows."³

THE FIRST COURT. The first court held in the Northwest territory was opened at Marietta, September 2, 1788, and the opening is thus described by a writer in *Cist's Cincinnati Miscellany*:⁴ "The procession was formed at the Point [where most of the settlers resided] in the following

¹Chase's *Sketch of Ohio*, pp. 18, 19. ²p. 191. ³Id. 58. ⁴Vol. 1, p. 229.

order: 1st, the high sheriff with his drawn sword, 2nd the citizens, 3rd, the officers of the garrison at Fort Harmer, 4th, the members of the bar, 5th, the supreme judges, 6th, the governor and clergyman, 7th, the newly appointed judges of the court of common pleas, General Rufus Putnam and Benj. Tupper. They marched up a path that had been cut and cleared through the forest to Campus Martius Hall [Stockdale], when the whole counter marched and the judges, Putnam and Tupper, took their seats. The clergyman, Rev. Dr. Cutler, then invoked the divine blessing. The sheriff, Col. Ebenezer Sproat [one of nature's nobles], proclaimed with a solemn 'Oyes' that 'a court is opened for the administration of even handed justice to the poor and the rich, to the guilty and the innocent, without respect of persons, none to be punished without a trial by their peers, and then in pursuance of the laws and evidence in the case.'" A large body of Indians, collected from the most powerful tribes in the West, and assembled for the purpose of making a treaty, were present. "What were their impressions," the writer adds, "we are not told."

LAWS OF THE GOVERNOR AND JUDGES. The governor and judges began to exercise their legislative functions in July of the same year, and sessions were held by them at various times until the convening of the general assembly. The laws enacted by them were originally printed in four volumes: volume 1, containing the laws of 1788, 1790 and 1791; volume 2, containing the laws of 1792; volume 3, the first book printed in the territory, containing the laws of 1795, commonly known as the Maxwell code, from the name of the printer; volume 4, containing the laws of 1798.¹

¹The original printed volumes have long since become rarities; only a few are to be found in the State of Indiana, and none in any of the state or public libraries. Mr. John M. Judah, of Indianapolis, Mr. Wm. Far-

The laws of 1788 were passed at Marietta; of the laws of 1790, three were passed at Vincennes by Winthrop Sargent, secretary of the territory and acting governor, and the judges, John Cleves Symmes and George Turner; most of the subsequent laws of the governor and judges were passed at Cincinnati.

It would serve no useful purpose to mention in detail all the laws passed by the governor and judges. They related chiefly to the organization of courts and rules of practice, the raising of revenue, the fees of officers, crimes and punishments, the government of the militia and other matters which would naturally demand the attention of the law-makers of a new country. Some of them, however, may be briefly noticed.

MILITIA LAW OF 1788. The very first act, as a matter of course, was "a law for regulating and establishing the militia," adopted July 25, 1788, the 4th section of which provides that "the corps shall be paraded at ten o'clock in the morning of each first day of the week, armed, equipped and accoutred as aforesaid, in convenient places next adjacent to the place or places assigned, or to be assigned, for public worship."¹ This provision was not repealed until 1795.²

PILLORIES AND WHIPPING POSTS. Pillories, whipping posts and stocks were authorized to be built in each county for the punishment of offenders against the laws, of which there were a number providing for such a pun-

rell, of Paoli, and Gen. Alvin P. Hovey, of Mount Vernon, each have complete sets. A reprint was published in Cincinnati, containing the laws of the governor and judges, and also the laws of the first and second sessions of the first, and of the first session of the second territorial general assemblies. To this reprint is prefixed, "A Sketch of the State of Ohio," which is understood to have been written by Salmon P. Chase, and which contains much valuable information. The references in this paper are to the Cincinnati reprint.

¹Laws N. W. T. 92. ²Id. 191.

ishment. At these whipping posts not only men but women were publicly whipped.¹

DISOBEDIENT CHILDREN AND SERVANTS. In section 19 of the law of 1788 respecting crimes and punishments is this curious provision: "If any children or servants shall, contrary to the obedience due to their parents or masters, resist or refuse to obey their lawful commands, upon complaint thereof to a justice of the peace, it shall be lawful for such justice to send him or them so offending to the gaol or house of correction, there to remain until he or they shall *humble themselves* to the said parent's or master's satisfaction."² It is quite probable that this law was aimed at the servants rather than at the children.

LIQUOR LAWS. The evils of intemperance began to be felt at an early period and laws were adopted from time to time requiring a license to retail, forbidding the sale to Indians and minors, the harboring or trusting of minors or servants, or the collection of a balance due over \$3.00 of a debt for liquor sold on credit. Nevertheless, amongst other enumerated grounds in the license law of 1792 for the revocation of licenses to tavern keepers, one was for failure to do his or her duty therein "as well in providing good and wholesome food for man and beast, as in keeping ordinary liquors of good and salutary quality."³

TAXES. The law for the collection of taxes was very stringent; section 8 of the tax law of 1792 provided that any person refusing to pay taxes assessed for twelve days after demand should be committed to the county jail, there to remain until the same should be paid or he be thence delivered by due order of law.⁴

POOR DEBTORS. Poor debtors fared very hardly. Imprisonment for debt prevailed in the territory, as it did generally in England and America at that period. Such

¹Cist Cinti. Misc., Vol. 1, p. 150. ²Laws N.W.T. 100. ³Id. 116, §6. ⁴Id. 120.

debtors, whether confined for non-payment of a judgment for a tort or a debt, were entitled to a diet of bread and water only, and, when released, the sheriff might sue them for the expense of keeping them and put them in jail again. In 1795 a law was passed entitled "a law for the easy and speedy recovery of small debts," which was a very stringent law, giving justices of the courts of common pleas and justices of the peace exclusive jurisdiction, without benefit of appeal, of actions for the recovery of debts under \$5.00, and providing for imprisonment of the debtor until payment of the judgment and costs. This was still more oppressive by reason of the magnitude of the counties and the costs of service of process, and by the practice of splitting up demands into sums under \$5.00, and so making several suits for the same debt.

ATTORNEYS. The law of 1792 respecting attorneys provides the oath to be administered to them, which contains in a nutshell the duties of an honorable lawyer. It is as follows: "I swear that I will do no falsehood nor consent to the doing of any in the courts of justice, and if I know of an intention to commit any I will give knowledge thereof to the justices of the said courts or some of them, that it may be prevented. I will not wittingly or willingly promote or sue any false, groundless or unlawful suit, nor give aid or consent to the same, and I will conduct myself in the office of an attorney within the said courts according to the best of my knowledge and discretion and with all good fidelity as well to the courts as my client, so help me God."¹ That there might not be a "corner" made on attorneys where they were scarce it was provided in section 2 of the same law that neither plaintiff nor defendant should be allowed more than two attorneys, and that, where there were only two attorneys attending the court, neither plaintiff nor defendant should have more than one.

¹Laws N. W. T. 127.

ENGLISH COMMON LAW. A very important law, taken from the Virginia code, was adopted in 1795, providing that the common law of England and all statutes or acts of the British Parliament in aid thereof prior to the fourth year of the reign of King James the First, and which were of a general nature, should be in force in the territory.¹

A LEGISLATIVE THREAT TO LEGISLATE. A very curious and, it is believed, the only instance known of a threat to legislate by a legislative body, is found in section 21 of the act respecting crimes and punishments, adopted in 1788. This section is as follows: "Whereas idle, vain and obscene conversation, profane cursing and swearing, and more especially the irreverently mentioning, calling upon or invoking, the sacred and supreme Being, by any of the divine characters in which he hath graciously condescended to reveal his infinitely beneficent purposes to mankind are repugnant to every moral sentiment, subversive of every civil obligation, inconsistent with the ornaments of polished life and abhorrent to the principles of the most benevolent religion. It is expected, therefore, if crimes of this kind should exist, they will not find encouragement, countenance, or approbation in this territory. It is strictly enjoined upon all officers and ministers of justice, upon parents and others, heads of families, and upon others of every description, that they abstain from practices so vile and irrational; and that by example and precept, to the utmost of their power, they prevent the necessity of adopting and publishing laws with penalties upon this head. And it is hereby declared that government will consider as unworthy its confidence all those who may obstinately violate these injunctions."² It is probable that, notwithstanding this fine specimen of legislative eloquence, the wicked went on in the same old way, for in 1799 the

¹Laws N. W. T. 190. ²Id. 101.

general assembly enacted a law making the desecration of the Sabbath and profane swearing finable offenses.

VALIDITY AND CHARACTER OF LAWS OF GOVERNOR AND JUDGES. In the laws adopted by the governor and judges prior to 1795 very little regard seems to have been paid by them to the provision in the ordinance of 1787 limiting them in the making of laws to the adoption of the laws of the original states. Some were adopted from the code of Kentucky, which was not an original state, and some were not copied from the laws of any state, but were enacted by them for the first time. In consequence of this several of them were disapproved by Congress. All the laws adopted in 1792 were, for this reason, disapproved by Congress in 1794, except an act creating the office of clerk of the legislature. The congressional committee in its report said: "These laws appear to have been passed by the secretary and judges on the idea that they were possessed generally of legislative power and have not, either in whole, or in part, been adopted from laws of the original states."¹ After that the governor and judges were generally careful to designate, in the title of the laws adopted by them, the state from which they purported to have been drawn, but Judge Burnet asserts that many of them were mutilated and changed so as to retain little more than the title and the enacting clause, the body of the act being stricken out and the vacancy being supplied with matter to suit the governor and judges.² But in a note to the Cincinnati reprint of the laws of the Northwest territory it is said, speaking of the laws of 1795 (the Maxwell code): "In regard to these laws, which are almost a literal transcript of the adopted statutes, the legislative power conferred by the ordinance seems to have been very strictly pursued."³ It was doubt-

¹Am. State Papers, Misc., Vol. 1, p. 82. ²Burnet's Notes 64; Id. 312.

³Laws N. W. T. 138, note.

less impracticable to adapt to the new territory the laws of the older states without many alterations, and that the governor and judges did not mean willfully to abuse their power is manifest from the fact that nearly all the laws adopted by them were afterwards confirmed by the general assembly of the territory. Judge Chase, in the preface to the Cincinnati reprint of the laws of the Northwest territory, speaking of the Maxwell code, says that "it may be doubted whether any colony, at so early a period after its first settlement, ever had so good a code of laws."¹

LAWS OF FIRST GENERAL ASSEMBLY. By the year 1799 the territory contained a free male population of five thousand, and eight organized counties, and was ready to pass to second grade; that is, to have a territorial general assembly. Representatives were elected, and on the 24th day of September of that year the general assembly was organized. The first act passed was one confirming all the laws of the governor and judges prior to 1795 and not repealed by subsequent acts. Another act was passed making promissory notes and inland bills of exchange negotiable. Another was passed for the relief of persons imprisoned for debt, whereby the harshness of the former laws was very much mitigated. Thirty-seven acts in all were passed and approved by the governor, but most of them are not now of sufficient importance to justify special mention. Besides the thirty-seven acts approved by the governor, eleven others were passed by the legislature, which were not approved by him, and his action in so freely exercising his veto power caused great dissatisfaction. The session was terminated by the governor on December 19. Two more sessions of the general assembly were held, but, as they were held after July 4, 1800, the

¹Page 27.

consideration of them does not come within the scope of this paper.

GOING THE CIRCUIT IN EARLY TIMES. Little can now be gathered beyond the technical recitals of the records to show how, or by what sort of men, the laws were made and administered. It is certain, however, that everything beyond the law itself partook of the primitive character of the times. Congress passed an act in 1792 allowing two of the judges their expenses "in sending an express and in purchasing a boat to go the circuit." Judge Burnett, a lawyer and leading member of the first general assembly, and afterwards a distinguished judge in Ohio, tells us how the judges and lawyers went the circuit about the year 1801. They generally traveled five or six in company, with a pack-horse to carry baggage and provisions, and were sometimes eight or ten days in the wilderness. There were no bridges and but few ferries, and they were obliged to swim their horses across the streams. In returning from General Court at Marietta to Cincinnati, upon one occasion, the judge was compelled to swim his horse across five different streams. He adds, that one of the chief requisites of a horse in those days was that he should be a good swimmer.¹ One of the judges—Judge Parsons—was drowned in 1789 in attempting to cross a creek.²

OPERATION OF LAWS OF THE NORTHWEST TERRITORY IN THE INDIANA TERRITORY. So much attention has been given to the laws of the Northwest territory because they continued to be operative in the Indiana territory after its organization as a separate territory. At least this was assumed by the governor and judges and general assembly of the latter territory, as is evident from the fact that from time to time laws were passed expressly repeal-

¹Burnett's Notes, p. 65. ²Douglas' History of Wayne County, Ohio, p. 39.

ing particular laws of the Northwest territory which had been adopted before the organization of the Indiana territory. It was not provided by any act of Congress that the prior laws of the Northwest territory should be operative in the Indiana territory after its organization, nor did the law-making power of the latter territory ever adopt, as a whole, the laws of the Northwest territory, but it is probable that these laws were regarded as continuing in force upon a principle similar to that in the law of nations, whereby, upon the cession or conquest of a territory, the laws, usages and municipal regulations, in force at the time of such conquest or cession, remain in force until changed by the new sovereign.¹ It may be observed, however, that the first legislative act of the governor and judges of the Illinois territory was the passage of a resolution that the laws of the Indiana territory, in force prior to the first day of March, 1809 [the date of the organization of the Illinois territory], of a general character and not local to that territory, should continue in force in the Illinois territory.²

ORGANIZATION OF THE INDIANA TERRITORY. On May 7, 1800, Congress passed an act, to take effect from and after July 4th of that year, for the division of the Northwest territory. The eastern portion, comprising what is now included in the limits of the state of Ohio, a portion of what is now included in the state of Indiana, and a portion of what is now included in the state of Michigan, retained the name of the Northwest territory. All west of it was called the Indiana territory. Upon the admission of the state of Ohio in 1802 all that portion of the eastern division of the Northwest territory, not included in the present limits of Ohio, was attached to, and made part

¹Kent, 12th ed., Vol. 1, p. 178, note 1. ²The History of Municipal Law in Illinois by Hon. William L. Gross, contained in Proceedings of Illinois Bar Association for 1881, p. 89.

of, the Indiana territory. The general plan for the government of the Indiana territory was the same as that which had been adopted for the government of the Northwest territory.

CONDITION OF THE INDIANA TERRITORY IN 1800. When the Indiana territory was organized it contained a total population of about five thousand, and three organized counties, Knox, Randolph and St. Clair, the two latter being included in what now constitutes the state of Illinois. There were but four considerable settlements in the territory, one at Vincennes, one in the vicinity of the falls of the Ohio, called Clark's grant, and two on the Mississippi, one of which was at Cahokia and the other at Kaskaskia.¹ The nearest towns outside of the territory were Cincinnati, Louisville, St. Louis, and Detroit, all of them of small size. No steamboat had yet ploughed any of the western waters. The Indian title had been extinguished to only a small strip in the southeastern part of the present state of Indiana, covered by the treaty made at Greenville in 1795, and to some land in the neighborhood of Vincennes. Something of the nature of the country may be gathered from Judge Burnet's account of his trip, in company with a son of Gov. St. Clair and another gentleman, from Cincinnati to Vincennes in December, 1799. They started from Cincinnati upon an ark, arriving at the Ohio falls on the fourth day. From there they traveled to Vincennes upon horseback, arriving there in about three days, having encountered upon the road a camp of Indians, two panthers, a troop of buffalo, and a wild cat, which disputed with them the possession of a deserted cabin in which they sought shelter one night.²

LAWS OF THE GOVERNOR AND JUDGES. The first gov-

¹The Indiana Gazetteer (by Samuel Merrill), 3d ed., 97, Law's History of Vincennes, p. 42. ²Burnet's Notes, p. 72.

ernor of the Indiana territory was Captain, afterwards General, William Henry Harrison, and the first judges were William Clarke, Henry Vanderburgh¹ and John Griffin. The governor did not arrive in the territory until January 10, 1801.² He immediately called a session of the governor and judges to meet on January 12, 1801. At this session, which continued until January 26, six laws, one act and three resolutions were adopted. A second session met on January 30, 1802, and continued until the 3d of February following, at which two laws were adopted. A third session met February 16, 1803, and continued until the 24th of March following, at which one law and two resolutions were adopted. The fourth and last session met September 20, 1803, and continued, doubtless with several intermediate adjournments, until September 22, 1804, at which seven laws, one act and seven resolutions were adopted. The laws of the first session were included in one volume of thirty-two pages, entitled, "Laws adopted by the governor and judges of the Indiana territory at their first sessions held at Saint Vincennes, January 12th, 1801; published by authority, Frankfort [K.]; printed by William Hunter 1802." The laws of the second, third and fourth sessions were included in one volume of eighty-nine pages entitled, "Laws adopted by the governor and judges of the Indiana territory at their second and third sessions, begun and held at Saint Vincennes 30th January, 1802, and February 16th, 1803; published by authority, Vincennes. [I. T.]; published by E. Stout, 1804." Although the title-page does not so indicate, yet the laws of the fourth session are included in this volume, beginning on page 12. This was the first book printed in the terri-

¹In the laws of the Governor and Judges this name is always printed "Vander Burgh." ²Dillon's History of Indiana (ed. 1859), p. 408.

tory.¹ While all these old laws are interesting to the lawyer and the historian, mention will here be made of those only which may interest a more extensive class.

EARLY TAX LAWS AND TAX LISTS. One of the first objects of the governor and judges was to provide a revenue, and several laws having this object in view were adopted. Looking at the long and inquisitorial form of the tax lists now presented to the tax-payer and comparing them with the tax lists in "ye olden time," we may comprehend the poverty and simplicity of the people and government at the beginning of the century. By the law to regulate county levies, adopted November 5, 1803,² real estate was taxed at thirty cents on each one hundred dollars of its appraised value. The form of the list for the taxing of personal property was as follows:

"Names of owners.

"Number bond servants and slaves.

"Number horses, etc., above 3 years old.

"Number neat cattle over 3 years old.

"Number of stud horses.

"Rate the season."

This was all the personal property required to be listed, and the rate of taxation was fixed as follows: "On each horse, mare, mule or ass, a sum not exceeding fifty cents; on all neat cattle as aforesaid a sum not exceeding ten cents; on every stud horse a sum not exceeding the rate for which he stands at a season; every bond servant and slave as aforesaid a sum not exceeding one hundred cents." By the same act it was provided that a *single man* above the age of twenty-one years, not having property to the amount of four hundred dollars and neglecting

¹But one complete original printed set of these laws is known to the writer of this paper. It is owned by Hon. John W. Stotsenberg, of New Albany. The laws of the first and second sessions are in the Massachusetts State Library. ²Laws of G. & J., 4th session, 63.

to pay the tax assessed against him, should be committed to the county jail, "where he shall remain until the said tax shall be paid, unless some reputable person, in the opinion of the sheriff, shall be forth-coming therefor." Perhaps this law was not enacted for revenue only, but also to encourage marrying. At any rate to pay, marry, or run away, were the only alternatives presented to the young man of that day.

Besides taxes there were a few other sources of revenue, such as licenses to merchants and peddlers, and fines. Another law, adopted November 5, 1803,¹ authorized a tax upon legal proceedings—so much upon each writ, declaration, appeal, etc.,—so that in those days a man had to pay to get into court as well as to get out.

THE JUDICIAL SYSTEM. Next to providing for a revenue, the most important thing was to organize a system of courts and to regulate the practice therein. "A law establishing courts of judicature" was adopted June 23, 1801.² It provided for a general court with original and appellate jurisdiction, and for the holding of circuit courts by the judges thereof; and also provided for courts of common pleas and courts of general quarter sessions. Other laws were adopted defining very minutely the rules of practice in such courts and upon appeal from the lower courts to the general court.

FEES OF OFFICERS AND ATTORNEYS. The fees of the officers and attorneys connected with these courts were also provided for.³ Those allowed the clerk and sheriff seem to be quite liberal, considering the poverty of the times. The attorneys do not seem to have fared so well. In actions involving title to land they were allowed in the general court \$10.00, in the common pleas and quarter

¹Laws of G. & J., 2d session, 81. ²Id., 1st session, 14. ³Id., 4th session, 32-

sessions \$5.00; in all other actions in the general court \$5.00, and in the common pleas and quarter sessions \$2.50. For advice where no suit was pending they were allowed from \$1.27 to \$3.50. Jurors were allowed twenty-five cents in each action, and could not make anything extra by hanging the jury over night. If they came from another county they were allowed fifty-six cents per day for coming and returning.

SLAVERY LEGISLATION. Notwithstanding the prohibition in the ordinance of 1787, slavery existed in fact in the Indiana territory for several years after its organization. Its visage, under very thin disguises, sticks out plainly in the laws of the governor and judges. In 1803¹ a law was adopted from Virginia entitled, "A law concerning servants." By this law it was provided that "all negroes and mulattoes [and other persons not being citizens of the United States of America] who shall come into this territory under contract to serve another in any trade or occupation, shall be compelled to perform such contract specifically during the time thereof." The benefit of such contract was assignable and passed to the executors or legatees of the master. If the servant was lazy or disorderly, or guilty of misbehavior to his master or his family, or refused to work, or ran away, he might be "corrected by stripes" on an order from a justice, and was compelled to serve two days to make good every day lost. All contracts between a master and servant during the term of service were declared void. Such servants were forbidden to purchase any servants other than those of their own complexion. No person was allowed to buy from, or sell to, such servants, or to receive from them any coin or commodity whatsoever, without leave of the master, and violation of this provision made the offender liable to forfeit to

¹Laws of G. & J., 4th session, 26.

the master four times the value of the thing so bought, sold or received, and also to forfeit to any informer, who might sue for the same, the sum of \$20.00, and on failure to pay the sum recovered, "to receive on his or her bare back thirty-nine lashes, well laid on at the public whipping post." Another section provided that in all cases of penal laws, where free persons were punishable by fine, servants should be punishable by whipping after the rate of twenty lashes for every eight dollars. Another section forbade the harboring or entertaining of any servant, not having a certificate of his freedom, under penalty of paying to the master \$1.00 per day. Sheriffs in the collection of fee bills were authorized to make distress of the "slaves, goods and chattels" of the delinquent.¹ As has been already shown, express provision was made in the tax laws for taxing slaves as such.

CRIMES AND PUNISHMENTS. We find but few criminal laws in those adopted by the governor and the judges. Probably the reason was that the criminal jurisdiction of the courts embraced all offenses which were made crimes at common law, or by the laws of the United States, and also because the criminal laws previously adopted in the Northwest territory were considered sufficiently comprehensive. Nevertheless, a few criminal laws were adopted. One of these was a curious law adopted from the Virginia code whereby it was made a felony unlawfully to take away a maid, widow or wife, either for the purpose of marrying or defiling her.² By another section of the same law bigamy was made punishable capitally. Pillories, stocks and whipping posts were continued for the punishment of crimes, and the general courts of quarter sessions were authorized to make contracts for building and repair-

¹Laws of G. & J., 2d session, 7; 4th session, 53. ²Id., 4th session, 60.

ing them.¹ Some of the laws adopted by the governor and judges of the Indiana territory were clearly objectionable upon the same ground upon which Congress had disapproved some of those of the governor and judges of the Northwest territory, viz: that they had not been adopted from the laws of the original states, but it does not appear that any of them were ever disapproved by Congress.

SOURCES OF LAWS OF GOVERNOR AND JUDGES. There is this marked distinction between the laws of the governor and judges of the Indiana territory and those adopted by the governor and judges of the Northwest territory; of the former, where the source from which the law was taken is stated in the titles of them, seven were taken from Virginia, three from Kentucky, two from Virginia and Kentucky, one from Virginia and Pennsylvania, one from New York, Pennsylvania and Virginia, and two from Pennsylvania; whereas of the thirty-eight laws in the Maxwell code, where the titles express the source, twenty-six were taken from Pennsylvania, six from Massachusetts, one from New York, one from New Jersey, and three from Virginia. In other words, the governor and judges of the Indiana territory, took only two laws entire from a free state, while the governor and judges of the Northwest territory took only three laws from a slave state.

JURISDICTION OF GOVERNOR AND JUDGES OVER THE DISTRICT OF LOUISIANA. By an act of Congress passed March 26, 1804, the executive and judicial power vested in the governor and judges of the Indiana territory was extended over the district of Louisiana, and this jurisdiction continued until the organization of the territory of Louisiana, by an act of Congress passed March 3, 1805. During this period several laws were adopted by the governor and judges for the government of the district of Louisiana.

¹Laws of G. & J., 4th session, 76 || 17.

LAWS OF THE GENERAL ASSEMBLY. By the year 1805, the population of the territory had increased to such a number that it was deemed advisable that it should pass to second grade, and measures were taken for the organization of a territorial general assembly. Up to the admission of Indiana as a state, there were in all five general assemblies, having each two sessions. These were held at various dates, the first session of the first general assembly beginning on July 29, 1805, and the second session of the fifth beginning on December 4, 1815.¹

REVISION OF 1807. At the first session of the second general assembly a general revision of all the laws of the territory, prepared by John Rice Jones and John Johnson, was reported and adopted, and it was provided "that the laws and parts of laws in force in this territory at the beginning of this session of the legislature shall be and the same are hereby repealed and the revisal of said laws as made by John Johnson and John Rice Jones shall, with the several additions, alterations and amendments made by the present legislature, have full force and effect in this territory; and that those laws so revised, altered and amended, shall, with the laws passed at this session of the legislature, be the only statute laws in force in this territory."² The revision was a careful and thorough one, making a volume of 540 pages, exclusive of the index of 28 pages. The laws embodied in it seem to be re-enactments in substance, and

¹ The original printed volumes of the first and second sessions of the first general assembly are very scarce. They were originally printed in folio. Mr. William Farrell, of Paoli, owns the laws of both sessions, and so, it is said, does General Hovey, of Mount Vernon. The laws of the second session are in the Massachusetts State Library, and the Hon. William L. Gross, of Springfield, Ill., also has the laws of both sessions. These are all that are known to the writer of this paper. A reprint containing these, together with the laws of the governor and judges of the Indiana territory, has recently (1886), been published at Paoli, Indiana, by Messrs. Throop & Clark. ²Revision of 1807, p. 539.

with but slight change in phraseology, of the laws of the the Northwest territory and of the governor and judges of the Indiana territory.

It would be beyond the scope of this paper to attempt anything like a synopsis of the laws of the territorial general assembly. They were such as were adapted to the times. The most of them seem to have been carefully prepared and the meaning of them clearly and tersely expressed. Some of them deserve a brief notice. The act incorporating the Borough of Vincennes, passed August 24, 1805, was the first act creating a municipal corporation. The act incorporating the Indiana Canal Company, passed August 26, 1805, was the first act incorporating a private corporation. This was an act incorporating a company to construct a canal on the Indiana side around the falls of the Ohio, a project which came to naught. In the list of directors appear the names of George Rogers Clark and Aaron Burr.

VINCENNES UNIVERSITY AND LOTTERY. The first incorporated institution of learning was the Vincennes University, incorporated by an act passed November 29, 1806.¹ Amongst the trustees were General William Henry Harrison, John Gibson, the first secretary of the territory, the territorial judges, Henry Vanderburgh and Thomas Terry Davis, and others noted in the history of Indiana. The preamble of the act is as follows:

“Whereas, the independence, happiness, and energy of every republic depends [under the influence and destinies of Heaven] upon the wisdom, virtue, talents and energy of its citizens and rulers, and whereas science, literature, and the liberal arts contribute in an eminent degree to improve those qualities and acquirements; *And whereas*, Learning hath ever been found the ablest advocate of genuine lib-

¹Laws 2d session, 1st general assembly, p. 6.

erty, the best supporter of rational religion, and the source of the only solid and imperishable glory, which nations can acquire.

"And forasmuch as literature and philosophy furnish the most useful and pleasing occupations, improving and varying the enjoyments of prosperity, affording relief under the pressure of misfortune, and hope and consolation in the hour of death, and considering that in a commonwealth where the humblest citizens may be elected to the highest public offices, and where the Heaven-born prerogative of the right to elect and reject is retained and secured to the citizens; the knowledge of which is requisite for a magistrate and elector should be widely diffused. *Be it therefore enacted, etc."*

Sensitive persons with moderate views of lotteries may be somewhat shocked, after having read such a grandiloquent preamble, by section 15 of the act which provides as follows:

"And be it further enacted, That for the support of the aforesaid institution, and for the purpose of procuring a library, and the necessary philosophical and experimental apparatus, agreeably to the eighth section of this law, there shall be raised a sum, not exceeding twenty thousand dollars, by a lottery, to be carried into operation as speedily as may be, after the passage of this act, and that the trustees of the said University shall appoint five discreet persons, either of their body or other persons, to be managers of the said lottery, each of whom shall give security to be approved of by said trustees, in such sum as they shall direct, conditioned for the faithful discharge of the duty required of said managers, and the said managers shall have power to adopt such schemes as they may deem proper, to sell the said tickets, and to superintend the drawing of the same, and the payment of the prizes," etc.

We must, however, remember that in those days lotteries had not been, as now, to quote from a modern historian, "abandoned to church fairs and gamblers," but were universally recognized by governments and people as legitimate means to raise money for colleges, churches and everything else.¹ The birth of this lottery is not so much a cause of shame to our forefathers as it is to us that we allowed it to live so long. It was upheld by the Supreme Court of Indiana in *Kellum v. The State*, 79 Ind. 588, decided in 1879, and continued to flourish until 1883, when, after the Supreme Court of the United States in *Stone v. Mississippi*, 101 U. S. 814, had declared that there was no vested right in a lottery, the Supreme Court of Indiana held that the sale of Vincennes lottery tickets was no longer lawful. This was so held in *The State v. Woodward*, 89 Ind. 110.

CRIMES AND PUNISHMENTS. Crimes and punishments at an early period received the attention of the general assembly. Treason, murder, arson, horse-stealing upon a second conviction, and rape, were punishable capitally. Burglary, perjury, larceny, hog-stealing, and bigamy, in addition to other punishments provided for them, were punishable by whipping. Dueling was punishable by a heavy fine, and all officers, legislative, executive and judicial, as well as attorneys, were required to take an oath that they had not given nor accepted a challenge. An effort to purify elections was early made by a law making ineligible to a seat in either branch of the legislature any candidate who should "attempt to obtain votes by bribery, or treating with meat or drink."

DIVORCES. Divorces were authorized in favor of a husband against the wife for adultery or abandonment for three years, or conviction of a felony, and in favor of a wife

¹McMaster's History of United States, Vol. 1, p. 587.

against her husband for adultery, abandonment for two years, conviction of felony, and treatment so "cruel, barbarous and inhuman as actually to endanger her life." The divorce operated, however, only in favor of the injured party, the offending party being prohibited from marrying again under the penalties provided against bigamy.

ATTORNEYS' FEES. It was still deemed necessary to restrict the supposed rapacity of attorneys, and they were limited in their fees in suits where the title of land was involved to \$5, and where not, to \$2.50. Where no suit was pending they were allowed for verbal advice \$1.25, and for written advice \$2.50.

A CURIOUS RELIEF ACT. Amongst the acts for relief of private individuals we find one which proves that the notion that the legislature is bound to help everybody who needs help is not a new one. It is entitled, "An act for the relief of Daniel French," approved December 26, 1815, and is as follows: "Whereas, it is represented to this legislature that a certain Robert Maffit, from the State of Pennsylvania, came to the house of said French, without money or property, and was taken with the decay, and lay near three months helpless, before he departed this life; and whereas, said French was at considerable expense in burying said Maffit and attending on him before his death, and said French receiving no compensation for his trouble. For the remedy whereof, *Be it enacted* by the legislative Council and House of Representatives, and is hereby enacted by the authority of the same, that the associate judges of the county of Harrison, when sitting for county purposes are hereby authorized to make said French such allowance as they may think just and reasonable out of any money in the county treasury not otherwise appropriated."

TERRITORIAL COURTS. From the beginning to the end of the territorial organization there seems to have been

more or less trouble in regard to the courts. Serious inconvenience had been felt on account of the failure to invest the territorial courts with chancery jurisdiction, and James Johnson, and other justices of the Court of Common Pleas of Knox County, petitioned Congress in 1802 for additional legislation conferring such jurisdiction.¹ Inconvenience was also felt on account of the absence of any law authorizing an appeal to the Supreme Court of the United States from the judgments of the territorial courts, which may have been rendered by a single judge. Inconvenience on this account had been felt, especially in the Northwest territory, where two of the judges—Putnam and Symmes—were both largely interested in lands in the territory, the title to which was a prolific source of litigation, and Gov. St. Clair, as early as 1794, had addressed to the Secretary of State a communication setting forth the necessity of authorizing such appeals.² Accordingly, by an act approved March 3, 1805, the superior courts of the territories, where no federal district court had been established, were given equity as well as common law jurisdiction, and writs of error and appeals were authorized from their final judgments to the Supreme Court of the United States.³ A court of chancery was organized at the first session of the general assembly, but it seems that the pay allowed was too small to secure the services of the judges, and it was not until a subsequent session, and after Governor Harrison had twice specially called the matter to the attention of the general assembly, that such a court was put in operation.

There were also doubts as to the jurisdiction of the courts, and Judge Parke, who held a commission from the President, wrote a long letter to Governor Harrison denying the validity of some of the acts of the territorial assembly,

¹Annals of Congress, 7th Congress, 1st session, 1802, p. 1131. ²Am. State Papers, Vol. 1, Misc., p. 116. ³2d United States Statutes, 338.

creating certain courts, as infringements upon the jurisdiction of the federal judges, and refusing to hold court under such acts.¹

As to how the courts were conducted, we know but very little. We have an account of the first one at which any judicial business was done, in Wayne county in 1811. The account states that it was held in the woods, with family chairs and logs for seats, and that the jurors retired for deliberation to logs at a suitable distance.² In some parts of the territory it seems that bodies of men styling themselves "regulators" were in the habit of dispensing home-made justice after their own ideas and without the assistance of any courts.³

FURTHER SLAVERY LEGISLATION. The footprints of slavery continue to be plainly seen in the laws of the territorial general assembly. It is matter of history that a convention was called in the territory for the purpose of petitioning Congress to suspend the prohibition of slavery in the ordinance of 1787, that two committees in the House of Representatives reported favorably upon such petition, and that it was finally rejected.⁴ Notwithstanding all this, the Indiana nullifiers, in defiance of the ordinance and of Congress, went on doing all they could by laws of their own to legalize slavery. An act was passed in 1805⁵ entitled "An act concerning the introduction of negroes and mulattoes into this territory," whereby it was provided that the owners of them might bring them into the territory and take them before the clerk of the common pleas court, where such owner should enter into an agreement, to be entered of record, whereby he should "determine and agree to and with his or her negro or mulatto upon the term of years which the said negro or mulatto should

¹Dillon's History of Indiana, 543. ²Young's History of Wayne County, 80. ³Indiana Gazetteer, 111. ⁴Dillon's History of Indiana, 410.

⁵Laws 1st session, 1st general assembly, 25.

serve," etc. It is fair to presume that the slaves generally "agreed." If they did not the owner might, within sixty days thereafter, remove them from the territory to some state where the laws offered masters still greater facilities for compelling their slaves to agree with them. After the slave had "agreed" with the master, the latter might hold him or her in service, if a male, until thirty-five years old, if a female, until thirty-two years old. The children of such slaves were also required to serve the master or mistress of their parents, males until thirty, and females until twenty-eight.

In 1806, an act was passed allowing the time of negroes and mulattoes bound to service to be sold on execution against the master, and giving to the purchaser the right to hold them for the unexpired term of service.

In the same year the general assembly passed a further act entitled, "An act concerning slaves and servants," wherein it was provided that if any slave or servant should be found at a distance of ten miles from the house of the master without a pass from such master, or his or her employer, or overseer, it should be lawful for any person to take him or her before a justice who might order him or her to be punished with stripes, not exceeding thirty-five. Another section of the same act provided that if any slave or servant should "presume," without his or her master's consent, to come upon the premises of another, the latter might give him or her ten lashes on the bare back. Riots, routs, unlawful assemblies, trespasses and seditious speeches by such slaves or servants, were also punishable with stripes. It was also made an offense, finable in any sum not exceeding \$100.00, to harbor any such slave or servant without the consent of the master; and to aid or assist him or her in absconding was finable in any sum not exceeding \$500.00. This act and the law concerning servants, adopted by the governor and judges,

to which reference has been made, were consolidated and re-enacted in the revision of 1807, under the title of "An act concerning servants."¹

Another act passed in 1808, forbade any one, without written permission from the master, to permit any "slave or slaves, servant or servants of color, to the number of three or more, to assemble in his or her house, out-house, yard, or shed, for the purpose of dancing or reveling, either by night or by day," and punished the slaves or servants so assembling by whipping, "not exceeding thirty-nine lashes on his or her bare back."

The act concerning the introduction of negroes and mulattoes into the territory was repealed in 1810, but it was not until 1821 that the Supreme Court of the state effectually put an end to indentures stipulating for personal service by declaring that they could not be specifically enforced. This was so held in the case of Mary Clark, a woman of color. 1 Blackford, 122.

EXERCISE OF VETO POWER BY GOVERNOR HARRISON. Mention has been made of the freedom with which Governor St. Clair exercised his veto power. Governor Harrison had the same power, and the possession of it was viewed very jealously, as appears in the reply made to the speech of the governor to the first general assembly, in which reply it was said: "The confidence which our fellow-citizens have uniformly had in your administration has been such that they have hitherto had no reason to be jealous of the unlimited power which you possessed over our legislative proceedings. We, however, can not help regretting that such powers have been lodged in the hands of any one; especially when it is recollected to what dangerous lengths the exercise of those powers may be extended."² This vigorous hint from the territorial legislature,

¹Revision 1807, 340. ²Dawson's Life of Harrison, 71.

coupled with the recollection of the experience of Governor St. Clair, probably made some impression upon the mind of Governor Harrison, for we do not discover that he ever exercised his veto power at all, or, if so, not to such an extent as to excite the hostility of the general assembly or the people.

EARLY LEGISLATIVE APPROPRIATIONS. It did not cost so much to make laws in those days as it does now, as may be seen in the appropriations made by the general assembly. For stationery at the second session of the second assembly an allowance of \$14.50 was made, and for fire-wood at the same term \$4.50. But this was probably considered extravagant, for at the first session of the third assembly the allowance for stationery and fire-wood together only amounted to \$2.50. At the second session of the third assembly the stationery bill was \$3.00, and the fire-wood bill \$2.37½. At the second session of the fourth assembly \$3.00 was allowed for candles furnished the legislative council.

THE CONVENTION AND CONSTITUTION OF 1816. The last territorial assembly was held in 1815. The Indiana territory had been divided in 1805 by the organization of Michigan territory, and again in 1809 by the organization of Illinois territory. Notwithstanding this curtailment of its dimensions emigration had been pouring into it until its population had increased enormously. The victory of General Harrison at the battle of Tippecanoe and the close of the war of 1812 had insured peace between the white settlers and the Indians. Steamboats were now navigating the Ohio. By 1816 the population had grown to about 64,000, and application was made for admission into the Union as a state. An act was passed by Congress on April 19, 1816, authorizing a convention to be held for the formation of a constitution. The convention met on June 10, 1816. Thirteen counties with forty-one

delegates were represented in it. On June 29th a constitution was adopted. Brief as was the session, the constitution adopted stands as an enduring monument to the wisdom of the men who framed it. Its essential provisions for the protection of life, property, civil and religious liberty, and the right of suffrage, remain to this day, incorporated, with some slight changes in phraseology, in the constitution of 1851. Above all it ratified and confirmed the provisions of the ordinance of 1787 in relation to slavery and consecrated the state anew to freedom. Settlers had poured in from the free states, together with a goodly number of Quakers from North Carolina and elsewhere, until those in favor of freedom outnumbered and outvoted those who sought to make Indiana a slave state, and when they came to adopt a constitution they expressed themselves very emphatically to the effect that there should be "neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes whereof the party shall have been duly convicted," and that, "as the holding of any part of the human creation in slavery or involuntary servitude can only originate in usurpation and tyranny, no alteration of this constitution shall ever take place so as to introduce slavery or involuntary servitude in this state." No provision can be found in this constitution forbidding the coming into this state of negroes and mulattoes. That was reserved for another convention to put into another constitution, adopted thirty-five years later, when the virus of slavery had well-nigh poisoned the whole nation.

ADMISSION OF THE STATE OF INDIANA. With the adoption of the constitution the convention also adopted an ordinance, accepting the conditions of the act of Congress which had been made conditions precedent to the admission of the state. On December 11, 1816, Congress passed

the act of admission, and Indiana was now the nineteenth state in the Union.

CONDITION OF THE STATE IN 1816.¹ Great and rapid as the advance had been from 1800 to 1816, we can scarcely comprehend the distance which separates 1816 from 1886 in the history of the state of Indiana. In nearly two-thirds of the state the Indian title had not been extinguished. Marion county had not yet been organized, and the site of Indianapolis had not yet been selected. The tract afterwards known as the "New Purchase," embracing a large part of the central portion of the state, was still occupied by the Indians. The only roads through it, if roads they may be called, were Whetzell's trace from the east, and an old Indian trail from the south. To reach the interior of the state by water the emigrant could come from Lake Erie by the Maumee, and crossing the portage near Fort Wayne could float down the Wabash, or else he might come down the Ohio, and then ascend the Wabash by "poling" his craft from its mouth.

The inhabitants were rude and simple in appearance and manners and tastes. How they were viewed abroad appears by an extract from Birkbeck's notes. In his journal, under date of July 7, 1817, he says: "I have good authority for contradicting a supposition that I have met with in England respecting the inhabitants of Indiana—that they are lawless, semi-barbarous vagabonds, dangerous to live among. On the contrary the laws are respected and are effectual; and the manners of the people are kind and gentle to each other and to strangers."²

¹In addition to the authorities cited elsewhere in this paper see Thomas' Travels through the Western Country, etc.; Brown's Western Gazetteer; Beckwith's History of Vigo and Parke Counties; Brice's History of Fort Wayne; Banta's History of Johnson County; Woollen's Biographical Sketches. ²Birkbeck's Notes, p. 79.

COMPARISON OF ANCIENT AND MODERN LAWS. The people of those days had never heard of railroads, or telegraphs, or telephones. There were no great cities. There were no such manufactories as we have now wherein are wrought things more wonderful than the armor of Achilles which Vulcan forged. Little thought was had then about alleviating the distress of the poor, the improvement of the condition of the insane, the blind, the deaf and dumb, and the criminal classes. It was many years until free schools were established in this state. Therefore we examine the laws of those times and find nothing upon these and the thousand and one other subjects of the legislation of to-day. We look at the modern statutes and in them we read a history more wonderful than anything in the Arabian Nights. It seems, indeed, as if some magician had waved his wand over the land, making transformations more marvelous than were ever dreamed of by Aladdin.

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LIFE AND SERVICES

OF

JOHN B. DILLON

BY

GEN. JOHN COBURN

WITH A SKETCH BY JUDGE HORACE P. BIDDLE.

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1886.

LIFE AND SERVICES
OF
JOHN B. DILLON

AN ADDRESS DELIVERED BEFORE THE INDIANA HISTORICAL SOCIETY,
SEPTEMBER 18, 1886.

GENTLEMEN :

In preparing a sketch of the life of John B. Dillon, whom so many of you knew well, I have met with unexpected difficulties. Having enjoyed his friendship for many years, I have, by your partiality, been selected to give you the details of his career. I am sure I can not satisfy you. I have the simple task of biography, and though I knew the man, and though I know those who knew him intimately, yet such was Mr. Dillon's reserve as to his own career, and so little did he seem to value himself, or his life and works, that he rarely mentioned anything as to his personal history. Perhaps there was no trait in his character more marked than this, nor one that could now be more vividly illustrated. I congratulate you that his friend Judge Biddle has come to my aid in an admirable way, with a sketch of rare interest, which I annex to my own remarks.

In his brief biography of Bailly, the first President of
(39)

the National Assembly, the first mayor of Paris, and a distinguished member of the Academy of Sciences of France, Arago, says: "Eulogies, said an ancient authority, should be deferred until we have lost the measure of the dead. Then we could make giants out of them without any one opposing us. On the contrary, I am of opinion that biographers, especially those of academicians, ought to make all possible haste, so that every one may be represented according to his true measure, and that well-informed people may have the opportunity of rectifying the mistakes which, notwithstanding every care, almost inevitably slip into this kind of composition." I shall not travel in the line of eulogy. I know our deceased friend would revolt against it. He would say as Cromwell said to the painter of his portrait: "Put in every wrinkle and wart; paint me as I am."

It seems hardly possible that the early history of one so well known here should be so obscure. He left behind him no relatives to tell of his family or ancestry and no record preserves for us the facts which might lead to their discovery. To his personal friends he related but few of the incidents of his early life. He was born at Wellsburg, in Brooke county, in West Virginia, it is believed, in the year 1808. During his infancy his father, with his family, removed across the river into Belmont county, in Ohio, where he died when his son was nine years old. Very soon after this John went back to Wellsburg, where he remained until he was seventeen years old, learning in this period the trade of a printer. His education in school was but slight. The date of the death of his mother, whom he mentioned with tender veneration, is not known. Doubtless he was compelled to rely upon his own labor for support and education. At about the age of seventeen years he went from Wellsburg to Cincinnati to reside, and there remained about ten years, when he came to Indiana in the

year 1834, and located at Logansport. While at Cincinnati he worked at his trade as a printer, and during his hours of leisure contributed to the newspapers published there. At this time some of his most widely known poems were given to the world. They can be found in the best collections of the gems of American poetry.

At Logansport he studied law and was admitted to the bar, but never practiced his profession. He had not the popular manners and personal magnetism which seemed to be necessary to acquire and hold a practice in an early day. His quiet ways, shrinking manners, hesitation of speech, nervous sensibility and proud reserve kept him from the familiar contact of the people, and he waited in vain for the opportunities to display his strong powers of reasoning, his faithful adherence to a cause, his endless research, his undaunted courage in advocating the protection and defense of the weak, his solid sense of justice and his painstaking perseverance in gathering the details which burden and wear out the more indolent members of the bar. He could have surpassed many of his compeers in certain lines of practice, but his powers were never tested or developed, after all his preparation. It must have been a grievous disappointment to him, and yet it was one which never elicited a murmur from his lips. What was loss to him was gain to all others.

But his habits of study did not forsake him. He devoted his time to the general reading of English literature and the special investigation of the history of the Northwestern Territory and states formed from it, and, in connection, the history of Indiana. In 1843 he published a work entitled "Historical Notes of the Discovery and Settlement of the Territory Northwest of the Ohio." This he called an introduction to the history of Indiana, which latter work was published in the year 1859. Let me quote from his preface to the "Notes." Beginning, he

says: "Among the historical notes which constitute the introduction to this history of Indiana, I have inserted many official documents relating to the early affairs, civil and military, of the vast region which was formerly called the Territory of the United States Northwest of the River Ohio. From a very great number of printed authorities, and from many thousand pages of old manuscript records and letters, I have selected only those statements which appear to be well authenticated, and connected either directly or remotely with the origin and progress of civilization in that large domain. With a sincere desire to cast from my mind those popular prejudices which have had their origin in ambitious contentions between distinguished individuals, or in national partialities and antipathies, or in improbable narratives and fanciful conjectures, or in conflicting political systems, or in different creeds of religion, I have labored for several years, with constant and careful perseverance, to find out and to perpetuate all the important facts which properly belong to an impartial history of Indiana from its earliest exploration by Europeans to the close of the territorial government in 1816. Many interesting particulars concerning the discovery and settlement of the Northwestern territory have been gleaned from the voluminous writings of divers Catholic missionaries and French travelers who visited the valley of the Mississippi at different periods in the course of the eighteenth century."

This gives an outline of the work to which he devoted several years of labor, and which resulted in an invaluable collection of data and records which must forever be the treasure-house of the historian of this period. His object was to collect the facts, and to state them truly and clearly without comment, and to this plan he resolutely adhered. He paints no portraits, no historical pictures; worships no heroes or saints; never glows with admiration at the

performance of a great deed; never condemns or censures the acts of a dastard or coward. He is as impartial as a pound weight or a yard stick; he lets each fact cast its own shadow to the full, under the reflection of an uncolored light. His pages are crammed with facts, not arrayed for the justification of a particular theory, or arranged to demonstrate some system of historical philosophy, but submitted in their nakedness and truth to the investigation of the student.

He often spoke in terms of severe condemnation of historians who embellished their works with comments upon events, who moralized upon them, and filled their pages with eloquent essays upon the facts which should have been simply recorded. He regarded the dazzling and stately periods of Macaulay and the picturesque and gorgeous imagery of Carlyle as out of place in history. While he did not underrate them as men of the highest literary accomplishment, he held that they mistook the true office of the historian, and mingled in their records of great events that which belonged to the poet, the orator, the essayist and the philosopher rather than to the impartial recorder. He never violated the severity of his rule, and though his fancy was brilliant, his choice of language exquisite, his appreciation of a noble deed or a grand character of the highest and truest order, he refrained from mingling his opinions, his sentiments, his praise or blame with the simple and severe narrative of the events which he clothed in the pure, strong and distinct style used by the best English writers. If he made any mistake in practice it was in drawing the line too strictly between history and biography. They should be combined. Remarkable men are great facts, and a proper part of history.

It can not be denied that his theory of the province of the historian was the true one. Upon this ground he stands unimpeachable so long as he truly and fairly relates

the facts. To discover them, to get all of them, to state them clearly, to arrange them in their natural connection, is labor enough for the greatest writer.

But mankind demand more; they would have a historian paint a panorama; they would have him lead out his heroes as did Homer; they would have him teach lessons of philosophy as did Socrates and Bacon; they would have him shape his characters in living molds, and bring them upon the stage to speak, as did Shakespeare. It can not be denied that this is a work too great for the mightiest intellect; that it is unsafe and dangerous ground; that the truth may, in this attempt, be distorted, or disguised, or warped, or entirely lost.

And yet coming generations will glow with renewed delight forever over the pages of Livy, Gibbon, Carlyle, Bancroft and their compeers; they will be the leaders and apostles of history. And just beyond the border will stand in their grateful hearts the great historical romances of Scott, Thackeray, Victor Hugo, Bulwer, Ebers, Wallace, and others of equal power, giving delight, giving instruction, inspiring to loftier aims. Men will drink this wine; they will get drunk on it; total abstinence they will scout forever from this divine liquor; they will not take the temperance pledge against this glorious intoxication. They want to see and hear the great characters of the past; they want to look into their eyes, to feel the mighty magnetism of their presence.

But, after all, this is not history, is not fact, is but partial truth, is but the fine art of exalted genius. And yet men prefer it to the stately and dry falsehoods and partial truths which have passed in memorable instances, for history, age after age. They prefer it because they lack confidence in the research, the faithfulness, the integrity, the fairness and the general ability of historians. They prefer it because the facts are often gathered for partisan or sectarian

purposes and mustered to sustain an argument; because such history is not history—is as much fiction as the pages of the novelist. Read skeptical Gibbon and believing Milman, Protestant D'Aubigne and Hume, and Catholic Lingard and Spalding, Democratic Bancroft, and Federalist Hildreth, and rid yourself of this impression if you can. A perfect history will never be written, but the nearest approach must finally be the cold, dispassionate, unbiased, clear, fair statement of the facts, both as to the events and the men, the acts and their personality.

Here let me quote the opinions of a few brilliant men as to the office of history:

Lamartine says that history is a "complete picture of humanity, painted with broad strokes for the eyes of the people, in place of being a lifeless analytical table like a chronology, or uninteresting as all abridgements are, and should be living like men and vivid like a drama. Interest is the true key of memory. The heart of man only remembers what moves and impassions it. Now what is it in history that moves or excites the masses? Is it things, or is it men? It is men—men only. You can not excite yourself over a chart, or be moved by a chronology. These abridged and analytic processes are the algebra of history, freezing while they instruct. This algebra of memory must be left to the learned, who, amid their dusty books, after reading all their lives and crowding their repertoires with millions of facts, names and dates, desire to make a synoptical table of their science, in order to be able at any moment to lay their finger on the date of a year or the name of a dynasty. * * * The mass goes straight forward to a small number of dominant facts, which overtop history as lofty mountain chains divide and overlook continents; it fixes these facts in its memory by a small number of names of superior and truly historical men, who have associated their existence, their lives, or their death

with these facts, and if the historian has the art or the gift of penetrating in thought into the spirit, the heart, the ideas, the passions, the public, or even the private, lives of these great men, the common run of readers agrees in neglecting all secondary events and characters and identifies itself with him in thought, in admiration, in emotion and even in tears with the thoughts, actions, vicissitudes, virtues, greatness, fall, triumph and catastrophe of these grand actors of the drama of humanity."

In a similar vein, Carlyle says:

"For great men I have ever had the warmest predilection.
* * * Great men are the inspired (speaking and acting) texts of that Divine Book of Revelations, whereof a chapter is completed from epoch to epoch and by some named history."

Bolingbroke says that "History is philosophy teaching by examples." Macaulay, speaking of this, says:

"Unhappily what the philosophy gains in soundness and depth the examples lose in vividness. A perfect historian must possess an imagination sufficiently powerful to make his narrative affecting and picturesque. Yet he must control it so absolutely as to content himself with the materials which he finds, and to refrain from supplying deficiencies by additions of his own."

Be this as it may, history will ever be the great delightful study of mankind.

Mr. Dillon appreciated fully the difficulties and dangers in his pathway, and did his best to tell "a plain, unvarnished tale." His "History of Indiana" was published in 1859, and covered the entire ground until the year 1816. It is a worthy result of twenty-five years of labor and study; concise and compact in style, and embodying the events of our history as a Territory and State fully and fairly. That was all he claimed, that was his highest ambition. This was the greatest achievement of his life. In

his preface to this history he says: "The Historical Notes have been carefully revised, enlarged in reference to some subjects, condensed in reference to others, and embodied in this work."

But it is a matter of profound regret that Mr. Dillon adhered too rigidly to his theory. He knew personally many of the eminent men of early Indiana. He could have described their peculiarities of manner, mind and body. He could have painted, in truthful words, the portraits of our early governors, judges, legislators, soldiers, lawyers, merchants, and men of affairs; their habits; their position in society; their modes of life; as well as their services to the public. He could have informed posterity of the origin and struggles as to the important movements in business, in politics, in legislation, in society, in morals, in education, in religion, and in war, which stirred deeply the communities of the rising state. With what delight would his readers have pored over the true pictures of these men, these events, these steps of progress, which he could have drawn from his own observation and from the mouths of living witnesses, now lost forever.

He published in 1871 a work entitled "Notes on Historical Evidence in Reference to Adverse Theories of the Origin and Nature of the Government of the United States." The short preface expresses in as concise terms as possible the scope of the work. He says: "Many good reasons have induced me to believe that a fair consideration of the historical facts which have been compiled from various authentic sources, and embodied in the following notes, will help in no small degree—

"First, to weaken the power of certain political errors which, from the beginning of the government of the United States to the present time, have constantly exercised a disturbing influence on the administration of national affairs; and

"Secondly, to promote the growth and the perpetuity of sound and harmonious opinions on important questions which relate to the origin and nature of the government of the United States, to the constitutional powers of Congress, and to the reserved rights of the several states of the Union."

This little book is composed almost entirely of extracts from the opinions of statesmen, lawyers, judges and authors, the resolutions of public meetings and legislative bodies largely contemporaneous with the founding and organization of our government.

His conclusion from this evidence is: "First, that this government did not originate in any alliance, confederation or compact formed by separate sovereign and independent states. Secondly, that all political theories which are founded only on a presumption of the original sovereignty and independence of each of the thirteen revolutionary states of the Union, are errors, which, if they can not be corrected, may continue to be the sources of unfriendly and bitter controversies among the people of the United States in relation to the constitutional powers of their own national government, and to the nature and limitation of state rights."

This work is a valuable addition to our political literature.

Shortly before his death he sold, for some three hundred dollars, the manuscript of his work entitled, "Oddities of Colonial Legislation as Applied to the Public Lands, Primitive Education, Religion, Morals, Indians, Slavery, and Miscellaneous Laws." To this was added and included in the same volume "Chronological Records of the Origin and Growth of Pioneer Settlements, from 1492 to 1848, in America." This work was not entirely published until after his death; in point of fact, the latter part of the "Chronological Record" was not completed

by him, but was written out from his notes and memoranda by Ben. Douglass, Esq., from a point beginning about the 550th page.

In his preface to this work Mr. Dillon says: "The long and careful researches which preceded the preparation of this volume were extended, not only into the details of American colonial history, but into the records of many different races of men, living under various political systems, and maintaining divers forms of religious worship. From these sources I have selected a great number of interesting facts which throw light upon the origin and growth of civilized institutions in North America. Many of these facts are remarkable and important; others of less moment may be regarded as brief commentaries upon the manners and customs of the people to whom they relate.

"No attempt has been made to magnify or diminish the real significance of any of the facts which are recorded. As a general rule they are submitted without comment to the consideration and judgment of the reader. The *exact words* in which certain remarkable statutes were enacted place before the minds of those who may read them the most authentic evidence of the official opinions of many early American colonial legislators. Historical truths have been, very often, either overlooked or suppressed by different kinds of prejudices or transformed into errors by the misleading brilliancy of style of a historian. 'Elegance,' says Sir William Jones 'on a subject so delicate as law, must be sacrificed without mercy to exactness.'"

Pursuing this plan, he has produced a work that is so full of information and so unique in character, bearing such indubitable evidences of authenticated and conscientious research, that it is without a parallel in American literature, and will be the perpetual text-book upon this subject. Here may be found rare specimens of the vain,

ridiculous and laughable efforts of the legislators to patch up the ills of society, as quack doctors' medicines are invented, put on the market and rejected. No such cabinet of curiosities can be found outside of the patent office, with its ten thousand devices, from perpetual motion to a flying machine.

He derived but little compensation from all his labors. His histories were regarded as dry reading—very few of his best friends read them, and still fewer complimented him on his great and signal success in giving to mankind a history of the early days of Indiana of unquestionable fairness and veracity.

In the month of January, 1845, he was elected by the Legislature State Librarian, an office for which he was admirably adapted by reason of his learning, his tastes and his habits of life. This he held six years, when, being a Whig, his successor was chosen from the Democratic party. The office was regarded as a proper reward for partisan services by both parties, and he was retired and Nathaniel Bolton was elected in his stead. I ought to say that he was first elected by the votes of the Democrats against the nominee of his own party, so that he owed both his election and his defeat to his political enemies. He served three years, and was unanimously re-elected, but in December, 1851, he was defeated, having been both chosen and rejected in spite of his political friends. It is discreditable to the Whigs that in favor of a partisan they opposed him at his first election, and to the Democrats that they opposed him at the last; though the latter may justly claim the honor of conferring upon him the office he so worthily filled, to the general satisfaction of men of all parties.

I believe that no reflecting man of the Democratic party ever looked upon this removal except with regret, and that the force of party spirit in this case was sincerely deplored.

The state contained no man so well qualified, in all respects, for the position as he was. The office was undervalued; its importance has only been demonstrated to the unthinking partisan, when he has visited the State (Historical) Library at Madison, Wisconsin, and seen there the magnificent results of the retention of a well-qualified librarian for more than thirty years, in which he can see that great state in miniature—her archæology, her history, her biographies, her products, her geology, her mineralogy, her remarkable scenery, her great resources, and all the facts of interest connected with the state, past or present. An invaluable collection, a proud monument to the foresight of the people, and to the labors and genius of the man who has filled so ably the position.

Had we retained Mr. Dillon we might have had a library with cabinets and collections worthy of visit, instead of the wreck that meets the eye of the disgusted stranger who can appreciate such an institution. In the name of all that is honorable and progressive, let us hereafter, in Indiana, select a good and capable person for the place, pay the officer a comfortable salary, encourage the giving of appropriations, and build up something fit for a place in the empty alcoves of the grand halls in our new State House.

I find no fault with the librarians, but I do with the legislators whose niggardly policy has brought disgrace upon the state—has put us in the rear of our younger sisters.

Mr. Dillon was Secretary of the State Board of Agriculture in the years 1852, 1853, 1855, 1858 and 1859. While he did not pretend to an extensive or thorough knowledge of agriculture, or of any of its branches, he made a respectable and efficient secretary, doing much to further the organization, which was, at the beginning of his official term, in its infancy. In 1851 he was appointed by Judge Test, Assistant Secretary of State, which position he held about two years, the balance of the Judge's term.

In February, in the year 1863, Mr. Dillon was appointed to a clerkship in the department of the Interior, and *ex-officio* Superintendent of Documents and Librarian, and removed to the City of Washington, where he resided the most of his time, until the spring of the year 1875, when he returned to Indianapolis, where he remained until his death on the 27th day of February, 1879.

He never aspired to an office commensurate in its pay and emoluments with his abilities, but accepted such positions as might be left after more ambitious and less capable men were satisfied. After the election in 1866, he repeatedly offered to resign his position of Superintendent of Documents and Librarian in order that a soldier might be appointed in his stead, but his offer was refused. At length, in March, 1871, he resigned, having been subjected to constant annoyances and irritations by certain officers of the Department of the Interior, who desired the place for the purpose of patronage, since the salary had been increased to \$2,500 a year by the exertions of the friends of Mr. Dillon.

He was appointed Clerk to the Committee on Military Affairs in the House of Representatives of the 43d Congress, and held the office two years, until March, 1875, doing his duty faithfully and acceptably. I can personally attest to this and much more while in the position.

In December, in the year 1835, he became a member of this society, and in December, 1842, was elected an honorary member. On the 22d of January, 1848, he was appointed a member of the executive committee and elected librarian, and requested to deliver the next annual address. This address was delivered before the society on the 23d of May, 1848, the subject being "The National Decline of the Miami Indians." I find that it was highly commended in the Cincinnati *Gazette*.

On the 7th of October, 1873, he was again elected secre-

tary, and held this office until his death. Before Mr. Dillon became the librarian quite a large collection of books, pamphlets, maps and manuscripts had been accumulated and carefully preserved in the office of the clerk of the Supreme Court, the late Henry P. Coburn. When Mr. Dillon became librarian these were removed to the State House and remained in his sole custody until 1863, when, receiving an appointment as a clerk in the Department of the Interior, he left the state, remaining absent until the year 1875, when he returned and resumed his residence in Indianapolis. The number of volumes, documents and papers in this collection of the Historical Society had been very largely increased up to the time of his departure, and the library had been placed and fitted up carefully in the building of the State Bank. Here it remained for some time, and until the affairs of the Bank of the State and the Sinking Fund were closed. When the building was sold, the books were removed, in part, to the State House, and a large number, with the papers, manuscripts and documents, scattered, or lost or stolen, and have disappeared forever. Mr. Dillon was absent; the great events of the war absorbed the public interest, and the library, which contained many valuable treasures and curiosities, had no one to care for it or prevent its plunder and destruction. It is not my province to find fault or attach blame to any one, but I am sure that this lamentable event would never have occurred had Mr Dillon remained in Indianapolis.

As secretary and librarian he prepared and issued many circulars to the people in the several counties, containing questions bearing upon all the prominent facts in the history of different important localities. Answers had been obtained and filed away, and a large amount of data preserved for further use. This has been stolen or destroyed; no trace of it remains. He is the author of the queries which are found in the county histories published with a

large bound atlas of the state, in the year 1876; and the answers to them furnish many valuable facts for this work. The loss of the best part of the library is a disgraceful fact, and a cause of profound regret and shame to every one who has any pride in the history and character of our state. It can never be replaced or restored; nothing can make amends for its destruction. A few of the books were found in the State House, mingled with those of the State Library, and form a nucleus for a future collection. The last work of his life was the gathering and re-arrangement of this fragmentary collection in an upper room of the Court House some ten days before his death.

I have casually referred to the fact that he was a genuine poet, the best evidence of which exists in a few short poems, familiar to all of our people; perhaps no better lines could have been written upon the subjects. "The Burial of the Beautiful" is the most famous, and will perpetuate his memory among all lovers of poetry. He was a man of strong religious convictions, an attendant but not a member of any church; for several years he was a Sunday-school teacher, as many men, now in middle life can testify. He was a student of the bible, but never paraded his learning, or indulged in controversies upon religious beliefs. These he regarded as best illustrated in practical every-day life, and surely no better model was ever seen by his associates than his own.

He was a man of hot temper, quick to resent an imputation of wrong, and often impatient of a decided contradiction, but his good sense and benevolent disposition kept him from that violence which seemed occasionally about to be exhibited. I remember on one occasion to have gone with him to the Metropolitan Church, in Washington, where, at the end of the services, it was announced that a great effort would then and there be made to rid the church of debt by a collection and subscription. Some one, who was

acting for the church, announced that the audience should remain seated, and that the doors were locked to prevent exit. Mr. Dillon jumped up in great wrath, and declared he would not be held that way, and he would go out at once. What he said was heard all around him, and it was with difficulty that he was persuaded to sit down and remain. He was as tender-hearted as a girl, and full of pity and sympathy for the unfortunate, who never appealed to him in vain.

He led a very quiet life, withdrawing more and more into the shadows as age crept on him and as his vigor vanished. He lived largely alone, having never married. He knew that his work would endure; he was as conscious of this as is the builder who has put in foundation and capstone of granite to a material structure. He had no profession but letters, and in the solid results of his best labors neither money nor applause added to his satisfaction. As time rolls by his labors will be appreciated; the scholars of the future will quote him, and rely upon him, and no library in America can be considered complete without his works.

It was the ambition of a great writer to leave a little volume "that would be found in the cottages of the poor; to be spelled over at evening by the light of the household lamp; to be carried about and recited by fragments by neighbors among the corn and blooming grapes; to pitch about in boats with the cooking utensils of the fisherman; to be packed with the loaf of black bread and salt olives in the canvas bag in which the shepherd of the Alps carries the provision of his solitude." Mr. Dillon's ambition was to be read by scholars, by statesmen, by historians, by students of the past. It was not for popular applause. It was to preserve forever the facts of our early history for the great and wise and good of all coming generations.

He has done his work well. He lies buried at Crown Hill, where friendly hands have erected a monument to mark his last resting place. But that is not his true monument. He built that himself. It will endure when the stone has no power to tell its tale.

Mr. Dillon died poor. A few dollars remained in his pocket-book after his decease. His administrator found but few assets upon which to administer. The price for his last literary work was almost exhausted; it was but a few hundred dollars. His estate did not pay his debts in full. The library which he had collected had gone book by book to the second-hand store, and his treasures had departed from their shelves. But he left what was better than lands, or gold, or rare books, or choice manuscripts—a noble example of integrity, modesty, industry, and purity of character—the light of a life devoted to study for useful purposes, that will never be willingly put out while mankind aspires to a more exalted and perfect existence.

NOTES ON JOHN B. DILLON.

The following sketch was prepared by the Hon. Horace P. Biddle and was added by Gen. Coburn to the foregoing.

I met John B. Dillon at Logansport, in May, 1836, but at that time had merely a passing acquaintance with him. In October, 1839, I became a citizen of Logansport, where I have ever since resided, and soon became an intimate acquaintance and confidential friend of Mr. Dillon. He was then the editor of the Logansport *Telegraph*. Our intimacy, friendship and confidence remained unshaken until his death, in 1879; but his sensibility was so acute and his modesty so delicate, that I never learned much of his inner personality, nor of his private history—scarcely anything from himself. In 1848 I met and became acquainted with Mr. L'Hommedieu, of Cincinnati, the editor for many years of the Cincinnati *Gazette*. Knowing that I was from Logansport, he made many inquiries of me concerning Mr. Dillon. He had known Mr. Dillon well before he came to Logansport. Mr. L'Hommedieu told me that Mr. Dillon was a Virginian, born in Brooke county; that his father, while he was yet a child, removed to St. Clairsville, Belmont county, Ohio. His father died while John was a lad of nine or ten years. After his father's death John went to Charleston—now in West Virginia, where he learned the art of printing. That he came to Cincinnati in 1824, and was then seventeen years old—this would place the birth of Mr. Dillon in 1807. He obtained work on the Cincinnati *Gazette* as a compositor.

The paper I believe was then edited by the celebrated and somewhat eccentric John C. Wright. By this paper Mr. Dillon's first contributions to literature were made known to the world. He afterwards contributed to other newspapers and periodicals—*The Western Souvenir*, *Flint's Western Review*, and in 1831 became connected with the Cincinnati *Mirror*, a literary paper of high excellence. In 1834 Mr. Dillon came to Logansport to reside, where, as I have stated, I first became acquainted with him.

Mr. Dillon was an attentive and general reader, and was well acquainted with the general principles of jurisprudence. While living in Logansport he turned his attention more particularly to practical law, and was admitted to the bar; but the practice never came. Though he possessed one of the finest intellects ever endowed upon man, Mr. Dillon had no adaptability to the business affairs of life. All he desired was to think and to know; he had no disposition to do and to have. He delighted in original composition in *belles lettres*, and he became master of a perfect style of pure English, but seemed entirely careless of ulterior results—whether his work gained him profit or reputation or not. In 1842, Mr. Dillon, in connection with Stanislaus Lasselle, published a volume entitled "Historical Notes," though Mr. Lasselle had nothing whatever to do with its composition. This volume formed the basis, or rather nucleus, of his "History of Indiana," published in 1859—a thorough and valuable work. In 1845 Mr. Dillon was elected State Librarian of Indiana, and removed from Logansport to Indianapolis. Since that period I have known less of the particulars of his life.

Mr. Dillon afterwards wrote and prepared for publication the essential part of a volume entitled "Oddities of Colonial Legislation in America," a very curious book,

which shows the diligence and peculiar research of the author. Mr. Dillon died before the work was completed. It was then finished by Mr. Ben. Douglass and published by Robert Douglass, of Indianapolis.

He wrote but little poetry in quantity—perhaps not to exceed a dozen pages in all—but in quality it is excellent. “The Burial of the Beautiful,” and the “Orphan’s Harp,” must be regarded as gems amongst the literature of the English language.

In person he was peculiar. Of medium height, with a fine athletic figure, yet his hands and feet were clumsy and quite ungainly. His temperament was a blending of the nervous, sanguine, lymphatic. His head was large and round, covered with dark hair. His forehead was broad, and rose abruptly, with scarcely any recession above the brows. I think no one ever knew the color of his eyes. He had a defect of vision of some kind, I think from a cataract, and always wore spectacles with large dark side glasses, which effectually concealed his eyes except from a front view, and then they were very dimly seen. Familiar as we were for so many years, meeting at all hours of the day, under all circumstances—even to bathing in the river—I never saw his face without his glasses on, which he always wore fastened by a little cord around the back of his head. Nor was the subject of his eyes, his vision or his glasses ever mentioned between us during our long acquaintance. I have been told by those who lodged in the same room with him that if he ever took his glasses off it must have been after he got into his bed, and if so, that he put them on again before he rose from his bed. When with familiar company of his own sex—as in a room, or walking abroad—if he had occasion to adjust his spectacles he always turned away from the company.*

*When Mr. Dillon’s remains were being prepared for burial it was observed by those in attendance that the ball of his left eye had been broken, apparently by a blow of some kind, and partially wasted away.

His general demeanor was that of seriousness, even to sadness, and in the presence of strangers extremely shy and diffident; yet with his familiar friends, over a game of chess, a feast of anecdote, or at our athletic exercises, he was often mirthful, and sometimes, indeed, even uproarious. In the presence of ladies he was always embarrassed, and as bashful as a swain; no efforts on their part to put him at his ease ever seemed to succeed, though no man was ever more esteemed by pure and intelligent women than John B. Dillon.

But as genial and amiable as Mr. Dillon's character was, there was a passion-power within him that, when thoroughly roused, was intense. The following incident, which occurred before I knew Mr. Dillon personally,*I have often heard related by persons who witnessed the scene. It was upon a public occasion connected with politics. Mr. Dillon had become one of the objects of some excitement in relation to the newspaper which he was editing. In the midst of a dense crowd he received a blow from some unknown person. It aroused his Virginia blood. He rushed out of the crowd and called upon the man who had struck him to come out and meet him face to face, and make himself known, or forever wear the brand of a coward. His passion was so intense and so thoroughly aroused, that it did not subside for hours. But no one took up the gauntlet.

Mr. Dillon was very fond of wit, though he seldom fired its rocket. He was so alive to consequence that he considered too long; but to discuss a point of wit, contrive a conundrum, or a pun, no one was more ingenious. He seldom played practical jokes, though on one occasion he practiced one, not anticipating its effects, which was remarkably successful. Mr. Dillon and Mr. George Winter, the well-known artist of the northwest, were sitting with me in my law office on the first day of April, 1840. It

was a very fine day, and in the course of our conversation the first day of April was mentioned. "Let us fool somebody," said Mr. Dillon; and took up a pen and a narrow strip of paper, and wrote on it the following notice, I think, literally:

"There will be exhibited at the court house this evening a living manthorp, from 8 to 10 o'clock.

"SIR ROGER DE COVERLY, Manager."

He took a couple of wafers with him, and as he went to the hotel, where we boarded, stuck the notice upon a small bill-board in the hotel office. At dinner there was much discussion about the strange animal. During the afternoon the young gentlemen of the town, who prided themselves on their learning, several of the clergymen and some of the lawyers were busy studying their natural history, the encyclopedias, and all the books they could find, to ascertain what the new creature was. The word manthorp, is really a compound of two Anglo-Saxon words, meaning "the man of the village," and as "Sir Roger De Coverly" is the name of one of Mr. Addison's amiable characters, Mr. Dillon had no expectation of the success of the joke; indeed, he was mortified at the result. For a long time afterwards Mr. Dillon's "April Fool" was locally a popular anecdote.

Mr. L'Hommedieu, upon the occasion of meeting him in Philadelphia as above related, while we were rambling along the banks of the Schuylkill, related to me the following most singular and sad mischance in the life of Mr. Dillon, as having occurred within his own knowledge. While Mr. Dillon was a resident of Cincinnati, some business connected with his correspondence and the press required him to go into the southern part of Illinois. At the time he happened to be there a murder was committed by some unknown person. Excitement ran high, of course,

and the search for the criminal was wildly aimed in every direction. Mr. Dillon, being a stranger, with his strange appearance, retiring and taciturn manner, became an object of suspicion, and he was actually arrested on a charge of murder, and held in confinement until he could communicate with his friends in Cincinnati and effect his release upon evidence.

I never heard the incident from any other source than Mr. L'Hommedieu's relation of it, nor have I ever mentioned it but once before the present writing. From Mr. Dillon's peculiar sensitiveness I forbore telling the circumstances lest it might enter into ears connected with indiscreet lips, and become a mortification to the feelings of Mr. Dillon. Of course the mishap could not affect the life-long purity of Mr. Dillon's character.

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THE ACQUISITION
OF
LOUISIANA

BY

JUDGE THOMAS M. COOLEY.

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THE ACQUISITION OF LOUISIANA.

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No theater of human activity has been more prolific of great and striking events and changes than has the United States of America since independence of the mother country was secured. And of these events three stand out specially prominent, because of their having affected most profoundly the subsequent history. These are the establishment of territorial government under the Ordinance of 1787, the adoption of the Federal Constitution, and the purchase of Louisiana from France. The first was the beginning of the end of slavery on the American continent; the second saved the American States from anarchy and laid enduring foundation for the greatest republic known to history; and the third in its consequences, increased beyond expectation or prophecy the importance of both the others, and gave such direction to the subsequent thought of the people and led to such marshaling of political forces, that nearly all the leading events of later American history were either traceable to or in some measure shaped or determined by it.

We shall spend no time on this occasion in a consideration of the Ordinance of 1787, so peculiarly interesting to us who were bred under its protection and who are immediate inheritors of its blessings. Neither shall we now discuss the great event which made us a nation, except as

to its bearings upon the acquisition of Louisiana, to which alone at this time attention will be directed.

The discovery of the western continent had exposed a new world of wonderful possibilities to the grasp of the first people who should embrace the opportunity to seize upon it. Its savage inhabitants were neither sufficiently numerous fitly to possess and utilize it, nor sufficiently skilled to be able to defend their occupancy; and the nations of Europe, which appropriated to themselves the designation of civilized, treated the country as derelict, and therefore as falling by right to the first finder. And then began the great race in colonization and settlement, which continued until the tremendous impact of nation with nation in Europe loosened the hold of some while it seemed to tighten the grasp of others, but was all the while preparing the way for that reaction of America upon Europe which before long gave birth to the French Revolution, and for a generation put the peace and industry of the world at the mercy of a gifted but unscrupulous adventurer.

French and Spanish colonization of America were not more remarkable for rapidity and extent than for the complete subjection to the despotic authority which then controlled the two countries respectively. The Spaniards, following the course of the first discoverer, lost no time in possessing themselves of vast but indefinite regions in South as well as North America, while the French, directing their course farther to the north, entered the Gulf of St. Lawrence, and pushing on up the great river of the same name, were soon exploring the vast interior beyond its head waters, planting here and there, in the most commanding positions, their missions and their trading posts, until at length the Mississippi was reached, upon which also they erected the cross and established trading stations. Every mission and trading post was a military sta-

tion also, and the whole chain of posts from the mouth of the St. Lawrence to and around the great lakes and down the Mississippi was subject to the principle of absolute obedience to the King and his vicegerents, and the whole structure was so imposing in its embodied force, and so completely and immediately available for either aggressive or defensive warfare, that it gave to France in the eyes of the world and of its own King and people a grandeur and apparent strength quite out of proportion to the meager settlement that had been made under the French flag, and for a long time enabled the French colonial power to carry on a doubtful struggle with the far stronger but less perfectly united and controlled colonies planted by the English. But the fall of Quebec struck a death blow to French power in America, and by the treaty of Fontainebleau all the vast region claimed by the French east of the Mississippi, the island of Orleans excepted, was surrendered finally to England. When a little later the struggle came between England and her colonies, the latter were enabled to make good their claim to all the ceded territory south and west of the great lakes, and by the treaty of peace the British claim was relinquished and the few military posts still remaining in British hands were agreed to be surrendered. A vexatious delay afterwards occurred, and the surrender was not completed until after the ratification of Jay's treaty, but the whole Northwest Territory then came under the beneficent provisions of the anti-slavery ordinance which had previously been put in force.

When the Constitution was adopted there was abundant reason for believing that the institution of slavery would never in the United States rise to any great political importance. The public conscience was not then very sensitive to its wrongs, but enlightened men in all sections opposed it, and the opposition was nowhere more pro-

nounced than in Virginia, whose leading statesmen clearly perceived its political and social evils. The pecuniary interest in it was then small as compared to what it became a few years later; and had not the condition of things greatly changed, it must in time have peaceably passed away, without shock to the Constitutional structure. But when the new cotton machinery had made that crop the most valuable of American staples, new and unanticipated strength was given to the institution, which was wonderfully augmented by the purchase of that vast territory then vaguely known as Louisiana. Of the transcendent importance of that event, aside from the expansion of territory, we get some idea when we reflect that the Missouri Compromise, the Annexation of Texas, the Compromise of 1850, the Kansas-Nebraska bill, the Dred Scott case, and at length the civil war, were events in regular sequence, directly traceable to it, not one of which would have occurred without it. The United States of to-day stands as it does in the first rank of nations, strong and self-centered, and without threatening diversity of interest among the states, because Mr. Jefferson, in 1803, without constitutional justification as he then believed, assumed on behalf of the Union to make a purchase of foreign territory. The purchase, therefore, stands out on the pages of history as one of those significant and mighty events that distinguish the epoch of occurrence; not the less significant because of being accomplished peacefully, and without disturbing the social and industrial state. Events of such transcendent importance seldom occur except as a result of bloodshed and disaster; and the purchase of Louisiana therefore challenges our special attention, not merely from its influence upon subsequent events, but from its unique character. We may well give a brief hour to an inquiry into the circumstances which led up to it, and into the motives under the influence of which it was

accomplished. Possibly as we do so we may be conscious of a doubt whether those who were concerned in it were aware at the time of the great part they were playing in the history of the world.

And first, a word regarding the situation.

Settlers in considerable numbers had crossed the mountains into Kentucky and Tennessee while the war of Independence was in progress. With most of them a love of adventure rather than the prospect of gain was the motive; for the woods were full of hostile Indians, and at Detroit the British Commandant Hamilton, with subordinates at Vincennes and Kaskaskia, was vigilant and relentless in directing the savage warfare against the settlements and keeping them in constant alarm. But the country was of such wonderful fertility as to make it quite worth the necessary struggle; and settlement not only went on while the war continued, but the settlers were enabled to make their hostile measures against their British adversaries so effective that when peace came the whole valley of the Ohio was in their hands, and settlement in it was going on with constantly increasing rapidity.

At once it became a question of vital importance how these people were to find avenues of commerce with the outer world. There was no natural highway to the east until the Potomac or the lakes should be reached, and the profitable transportation of agricultural or forest products to market by land was entirely out of the question. The difficulty was so obvious and apparently so insurmountable that the people of the eastern states very generally assumed that the great interior must necessarily be settled slowly, and that a generation or more must pass away before its commerce could be of considerable importance. It was also a prevalent notion that the spread of population over so vast a region would in itself constitute a severe and perhaps fatal test of republican institutions. His-

tory it was said did not warrant the belief that popular government could exist for any considerable period except in cities and small districts of territory; and when Fisher Ames said, in 1791, "Ages must elapse before our western wilderness will be peopled, and God alone knows how it can be governed," he gave expression to ideas which were common in political circles the world over. There were, nevertheless, some far-sighted men who read the immediate future more accurately, and who had a faith in the strength and vigor of republican institutions which was not circumscribed within narrow limits, nor disturbed by the lack of historical precedents. Among the most confident of these was Washington, who had from the first appreciated the value of the West to the Union, and who immediately on the successful termination of the Revolutionary war had addressed his thoughts to the subject of a highway for immigration and commerce by means of artificial water communication connecting the Potomac and the Ohio. But his attention was soon drawn away to public matters of more immediate interest, and the projected canal was postponed.

Immigration to the interior must cross the mountains; but the natural highway for commerce was the Mississippi river. If the use of this river were left free, nothing better could be desired. Unfortunately it was not free. The east bank of the river as far south as the north boundary of Florida was the property of the United States, but the west bank, together with the island of Orleans, was held by Spain. That power, while conceding to the people of the United States the free navigation of the Mississippi as far down as the American ownership of the left bank extended, claimed exclusive jurisdiction below that line, and proposed to exact customs duties from such American commerce as should pass in or out of the mouth of the river.

This pretension, if yielded to, would place all that commerce at the mercy of Spain, and render not merely the navigation of the river of little value, but the very land from which the commerce sprung. It was inconceivable that such pretensions should be tolerated if successful resistance were possible, but the settlers were able to combat it on two grounds, either of which seemed, according to recognized rules of international law, conclusive.

First. As citizens of the country owning one of the banks on the upper portion of the stream, they claimed the free navigation to the sea, with the privilege of a landing place at its mouth as a natural right; and they were able to fortify this claim—if it needed support—with the opinions of publicists of acknowledged authority.

Second. They claimed under the treaty of 1763, between Great Britain and France, whereby the latter, then the owner of Louisiana, had conceded to the former the free navigation of the Mississippi in its whole breadth and length, with passage in and out of its mouth, subject to the payment of no duty whatsoever. Whatsoever rights Great Britain secured by this treaty were secured for the advantage of the people who were to enjoy them, and must, therefore, have passed with the transfer of dominion to the United States; and whatsoever servitude the Spanish part of the river was subject to when held by France, it must be subject to in the hands of the nation to which France had transferred its jurisdiction.

Thus both in natural right and by treaty concession the claim of the American settlers seemed incontrovertible, and perhaps it may fairly be said that the whole country agreed in this view. When Mr. Jay, while the war of Independence was still in progress, was sent to Spain to negotiate a treaty of amity and assistance, he was specially charged with the duty to see that the free navigation

of the Mississippi was conceded. All his endeavors to that end, however, resulted in failure, and he was compelled to return home with the American claim still disputed. In 1785 the negotiation was transferred to this country, and Mr. Jay renewed his effort to obtain concessions, but without avail. The tenacity with which Spain held to its claim was so persistent that Congress, in its anxiety to obtain a treaty of commerce, finally instructed Mr. Jay, on its behalf, to consent that for twenty-five years the United States should forbear to claim the right in dispute. The instruction was given by the vote of the seven Northern States against a united South; and the action was so distinctly sectional as to threaten the stability of the Union. The southern people were with some reason excited and angry; and the charge was freely made that the North, to secure to itself commercial advantages, had ungenerously and unfairly sacrificed the interests of the South and West. There was enough in the circumstances to make the charge seem altogether plausible; and threats that the dissatisfied people would take redress into their own hands, regardless of treaty stipulations, were freely indulged in.

In the West the feeling of dissatisfaction was most intense and uncompromising. The settlers of Kentucky already deemed themselves sufficiently numerous and powerful to be entitled to set up a state government of their own, and to have a voice in the councils of the Confederation. It seemed to them, therefore, an insult as well as an injury when their right to the use of their great national highway was thus, and as they believed, on selfish grounds, put aside without so much as consulting their wishes or their interests. To waive their right was to check their prosperity; for their lands without it were of little value, and accumulations as a result of their labors and privations would be entirely out of the question.

From that time, therefore, the movement for a state government was accompanied and strengthened by a feeling that the settlers beyond the mountains were treated with neglect and contempt by the dominant majority in the Confederacy; so that the influences which drew the settlers together in sentiment, drew them at the same time away from the Union.

In Tennessee, as well as in Kentucky, settlements had been going on rapidly; and perhaps in the former even more distinctly than in the latter a growing indifference to the national bond was manifest. Serious complaint had been made by the settlers when North Carolina ceded its western lands to the United States; and in 1784 their dissatisfaction rose to a height that impelled them to revolution. The authority of the parent state was repudiated, and the settlers organized a state of their own which they called Franklin, and proceeded to give it officers and enforce their jurisdiction. The likelihood of civil war was for a time threatening; but this strange episode of a revolutionary state peacefully performing its functions was finally after four years' tolerance brought to an end, and the state dismantled, through wise measures of conciliation on the part of the North Carolina authorities. But the feeling of dissatisfaction with Spanish pretensions remained and continued to grow in intensity; and one of the difficult questions which confronted the new government, formed under the Federal Constitution, was how to deal with this feeling and control or remove it. Spanish levies on American commerce were in some cases almost prohibitory, reaching fifty or seventy-five per cent. *ad valorem* and it was quite out of the question that hardy backwoodsmen trained to arms should for any considerable time submit to pay them. If the national government failed to secure their rights by diplomacy, they would seek redress in such other way as might be open to them.

Five different methods of redress suggested themselves to different minds; and Mr. Martin, the historian of Louisiana, assures us that parties were to be found in the West who advocated each of them.

1. The West might declare its separation from the Union and the establishment of an independent republic, which would secure protection, and at the same time obtain its rights in the Mississippi, by entering into a treaty of alliance and commerce with Spain.

2. The country might, with the consent of its people, be annexed to the province of Louisiana, and Spanish laws and institutions accepted as a lesser evil than Federal neglect with existing Spanish oppressions.

3. War might be made upon Spain, and New Orleans and West Florida seized and held by the settlers regardless of Federal authority.

4. Congress might by active and forcible measures compel Spain to yield the privileges and rights which had been refused to negotiation.

5. The settlers might place themselves under the protection of France; soliciting her to procure a retrocession of Louisiana, and to extend her protection over Kentucky and the Cumberland settlements.

But while all these various remedies suggested themselves to the minds of the people, it can be safely assumed that a prevailing sentiment existed in favor of the existing connection with the Union, and that redress at the hands of France or Spain was looked to only in the contingency that any other was found to be impracticable.

Among the most prominent of the Kentucky settlers was General James Wilkinson, who had gone there as a merchant in 1784. He was shortly found advocating, though somewhat covertly, the setting up of an independent state government. In 1787 he opened trade with New Orleans, and endeavored to impress upon the Spanish authorities

the importance of an amicable understanding with the settlers in the Ohio valley. His representations for a time had considerable effect, and the trade was not only relieved of oppressive burdens, but Americans were invited to make settlements within Spanish limits in Louisiana and West Florida. A considerable settlement was actually made at New Madrid under this invitation. But there is no reason to believe that genuine good feeling inspired this policy; the purpose plainly in view was to build up a Spanish party among the American settlers and eventually to detach them from the United States. But the course pursued was variable, being characterized in turn by liberality and by rigor. Wilkinson appears to have been allowed special privileges in trade, and this, together with the fact that he was known to receive a heavy remittance from New Orleans, begat a suspicion that he was under Spanish pay; a suspicion from which he was never wholly relieved, and which probably to some extent affected the judgments of men when he came under further suspicion in consequence of equivocal relations with Aaron Burr. In 1789 a British emissary made his appearance in Kentucky, whose mission seemed to be to sound the sentiments of the people respecting union with Canada. He came at a bad time for his purposes; for the feeling of the country against Great Britain was then at its height, and was particularly strong in the West, where the failure to deliver up the posts within American limits was known to have been influential in encouraging Indian hostilities. The British agent, therefore, met with anything but friendly reception, and found it for his interest to maintain secrecy as far as possible, and to take speedy departure. But the Spanish authorities continued their intrigues, and in 1795, Thomas Powers, an Englishman who had become a Spanish subject, and Don Manuel Gayoso, a brigadier-general in the armies of Spain, and then holding the office

of Governor of Natchez, were sent on a secret mission to the disaffected settlers. What was done by them was carefully veiled in secrecy, but there is reason to believe that men in high position were ready to listen to their advances. But the putting down of what is known as the Whisky Insurrection in western Pennsylvania and the final defeat of the Indians by General Wayne had greatly strengthened the national sentiment and made treasonable plans proportionately more dangerous ; so that this mission also had no result. Meantime Spain had become so far complicated in European wars as to be solicitous regarding the preservation of her own American possessions, then bordered by a hostile people, and at her suggestion an envoy was sent by the United States to Madrid, with whom, in October, 1795, a treaty was made whereby, among other things, it was agreed that Spain should permit the people of the United States, for the term of three years, to make use of the port of New Orleans as a place of deposit for their produce and merchandise, and to export the same free from all duty or charge except for storage and incidental expenses. At the end of the three years the treaty contemplated further negotiations, and it was hoped by the American authorities that a decisive step had been taken towards the complete recognition of American claims.

The treaty, however, was far from satisfying the people of Kentucky and Tennessee, who looked upon the assent of Spain to it as a mere makeshift for the protection of her territory from invasion. Projects for taking forcible possession of the mouth of the Mississippi continued, therefore, to be agitated. In 1798, after the admission of Tennessee to the Union, William Blount, one of its senators, was expelled from the senate on the charge of conspiring to set on foot an expedition against the Spanish-American possessions, but his punishment only made him more pop-

ular than ever in his own state, and he was likely to be chosen governor as a mark of their approval had not his death occurred before the time of election.

It is evident that this state of affairs continually boded mischief, and the difficulty of preserving friendly relations with Spain was greatly increased by the existence of European wars in which that power was involved.

The schemes of Don Francisco de Miranda for the overthrow of Spanish authority in America now became important. Miranda was of Spanish-American birth, and had been in the United States while the war of Independence was pending and formed acquaintance among the American officers. Conceiving the idea of liberating the Spanish colonies, he sought assistance from England and Russia, but when the French Revolution occurred he enlisted in the French service and for a time held important military positions. Driven from France in 1797 he took up his old scheme again, looking now to England and America for the necessary assistance. Several leading American statesmen were approached on the subject, Hamilton among them; and while the relations between France and the United States seemed likely to result in war, that great man, who had no fear of evils to result from the extension of territory, listened with approval to the project of a combined attack by British and American forces on the Spanish Colonies, and would have been willing, with the approval of the government, to personally take part in it. President Adams, however, frowned upon the scheme, and it was necessarily, but with great reluctance, abandoned.

And now occurred an event of highest interest to the people of the United States. Spain, aware of her precarious hold upon Louisiana, in 1800 retroceded it to France. The country thus passed from a weak nation to a strong one; from a people to whose enmity Americans

would be comparatively indifferent, to another that in our extremity had been our friend and ally, and with whom we had just been arranging unpleasant controversies, and would not willingly have new difficulties opened. Mr. Jefferson was deeply stirred when he learned of it and foreboded only evil from France possessing itself of the mouth of the Mississippi. He immediately addressed a letter to Mr. Livingston, the American minister at Paris, in which in strong terms he expressed his anxiety. The retrocession, he said, "completely reverses all the political relations of the United States, and will form a new epoch in our political course." "France," he went on to say, "we have ever looked to as our natural friend; as one with which we could never have an occasion of difference." But France, placing herself at the door of our interior commerce, "assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific disposition, her feeble state, would induce her to increase our facilities there, so that her possession of the place would be hardly felt by us, and it would not, perhaps, be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France; the impetuosity of her temper, the energy and restlessness of her character, placed in a point of eternal friction with us, and our character, which, though quiet and loving peace and the pursuit of wealth, is high-minded, despising wealth in competition with insult and injury, enterprising and energetic as any nation on earth; these circumstances render it impossible that France and the United States can long continue friends when they meet in so irritable a position." The consequence which he foresaw was the forcing of America into the arms of Britain. "This is not a state of things," he said, "we seek or desire. It is one which this measure, if

adopted by France, forces on us, necessarily as any other course, by the laws of nature, brings on its necessary result." In this change of friends America will be compelled to embark in the first war of Europe, and "in that case France will have held possession of New Orleans during the interval of a peace, long or short, at the end of which it would be wrested from her."

It is plain from this letter that Jefferson believed an emergency had arisen which made the acquisition of Louisiana by the United States imperative. The country in the hands of France made that power our continual antagonist, and almost certain enemy. Our oldest friend and ally would thus be lost to us, though her interests in other respects were such as ought to insure the most useful relations and the most amicable intercourse. But while losing France we should at the same time be thrown into the arms of our old enemy England, our natural, most persistent and unscrupulous competitor in the markets of the world. England it might be assumed would not hesitate to take any possible advantage of the situation which would benefit herself, and the political independence, which with so much expense of life and treasure had been secured, would under such circumstances fail to establish the commercial independence which was necessary to make it of much value. And it is not unlikely that Mr. Jefferson contemplated the contingency that the West, irritated by the failure of the general government to give full protection to a natural right of transcendent importance, as was the navigation of the Mississippi, might undertake to throw off its allegiance, and either to set up a government of its own, or to become a dependency of France or England. The probability of such an attempt was not so great as it had been a few years before, but it was certain that while the mouth of the Mississippi was thus held by a strong and aggressive power, the possession must constitute to some

extent a menace to American unity as it did also to American commercial independence.

Mr. Jefferson with his partiality for France could be expected to give no countenance to any scheme for the acquisition of Louisiana that was not amicable, or that did not contemplate fair compensation. But a difficulty here presented itself to his mind which at first blush would appear insurmountable. The Constitution, which was the measure of national powers, did not in terms confer upon the Federal Government the power to acquire foreign territory. It gave to Congress the power to make regulations for the territory and other property of the United States, but the territory intended was evidently that which then belonged to the Union. It also contemplated the admission of new States to the Union; but this also had in view the territory then possessed by the United States and the possible division of it into new states. These provisions had therefore abundant subject-matter on which to operate without looking to an enlargement of the bounds of the Union, and nothing in the debates of the Constitutional Convention indicated an expectation on the part of its members that any such enlargement would take place. Mr. Jefferson belonged to the school of strict construction, and was in fact its leader and apostle. He had found himself in opposition to the administration of Washington on some very important measures whose constitutionality was only to be sustained on an assumption of implied powers, and by the defeat of Mr. Adams he had been elevated to the presidency as the exponent of the anti-federal views. But under a construction of the Constitution as strict as he had been insisting upon, it was plain that the government would have no power to acquire foreign territory by purchase, and that any attempt in that direction would be usurpation.

The case presented then was one in which something

important to the peace and welfare, perhaps to the very perpetuation, of the Union, could not be accomplished under the Constitution because the necessary power had not been conferred upon the general government for the purpose. To give the necessary authority an amendment of the Constitution would be essential, and amendment would be a slow process which might not be accomplished in time to meet the emergency. The case would be complicated by the fact that if the territory was acquired a considerable population would be brought into the Union, and thus made citizens by a process of naturalization not contemplated by the Constitution. Mr. Madison, the Secretary of State, agreed with the President in his views. To use Mr. Jefferson's words, "The Constitution has made no provision for our holding foreign territory; still less for incorporating foreign nations into our Union." But under circumstances so imperative he thought the political departments of the government should meet the emergency by consummating the purchase, and "then appeal to the nation for an additional article in the Constitution approving and confirming an act which the nation had not previously authorized." He did not conceal from himself, however, that in so doing ground would be occupied which it would be difficult to defend, and he proceeds to say: "The less that is said about any constitutional difficulty the better. Congress should do what is necessary in silence. I find but one opinion as to the necessity of shutting up the Constitution for some time." Mr. John Quincy Adams held similar views, and, as he says in his diary, "urged the necessity of removing as speedily as possible all question on the subject." This could only be done in the mode proposed by Mr. Jefferson; that is to say, by amendment.

But it is difficult to conceive of any doctrine more dangerous or more distinctly antagonistic to the fundamental

ideas of the American Union than the doctrine that the Constitution may be "shut up" for a time in order that the government may accomplish something not warranted by it. The political immorality was obvious and glaring; more so in the case of the apostle of strict construction than it could have been if advanced by any other statesman of the day. But by whomsoever advanced, it was intrinsically demoralizing, for it suggested to the public mind that officers deriving all their authority from the Constitution might at pleasure set it aside whenever a supporting majority of the people was obtainable. This was to put the temporary majority above the Constitution; to deprive that instrument of all restraining and conservative force; to make the official oath to support the Constitution a meaningless formality; and to deprive the fundamental law in the popular as well as the official mind of all sense of sanctity. In a monarchy, the "divinity that doth hedge a king" will commonly support his throne with an active and reverent sentiment of loyalty. In a republican government a corresponding sentiment must concentrate upon the Constitution as the true representative of sovereignty, which, because it is such representative, is to be with unhesitating and patriotic regard held sacred and inviolable. Such a sentiment when it exists is a vital force of great and saving power in the government; but it can grow up only when the Constitution is habitually observed, and when it is seen to restrain the governing majority as it does those who for the time constitute the smaller and weaker party. Mr. Jefferson, therefore, struck a dangerous blow at the foundation principles of the government, and offered to demagogues who should come after him a corrupting and dangerous precedent, when he proposed to violate the Constitution in order to accomplish an object of immediate desire. And it was quite immaterial that the object to be accomplished appeared to be of great im-

portance and urgency ; party measures commonly appear such to party leaders, and the plea is one that can always be advanced and will be found as available in one case as in another if popular support can be gained for it.

But Mr. Jefferson's political mistake was scarcely greater than that committed by his opponents : and indeed from a party standpoint it was no mistake whatsoever, but a bold measure of wise policy. He rightly judged that the purchase would meet with popular approval and would strengthen his administration and his party. If this proved to be the case the political wrong would be condoned by the popular voice even though it would stand as a dangerous precedent. But the purchase, according to the Federal view of the Constitution, was perfectly legitimate. That instrument had given to the Federal Government complete control of the foreign relations of the states, and vested it with the powers of sovereignty in respect to them as completely as they were possessed by any other power on the globe. If, therefore, any other power might acquire territory by purchase or otherwise, the United States must possess the competency to do so. This, according to the Federal construction of the Constitution was clear and unquestionable. If the express authority were not given, the power was nevertheless to be implied from the complete grant of sovereignty in respect to the general subject : otherwise, as the states were deprived by the Constitution of all participation in diplomatic intercourse, the extraordinary spectacle would be exhibited of a great nation so hampered and tied up by its internal regulations that in no emergency, however great or imperative, could it deal with another for the acquisition of territory ; for a spot even for a fortress, or a light-house, or for an indispensable passage way. This was at war with the doctrine which the Federalists had advocated from the first. According to their construction of the Constitution the gov-

ernment had been invested by it with complete powers of sovereignty over all the subjects entrusted to it, except as express restrictions were imposed. A Federalist, therefore, might very well regard with satisfaction the purchase of Louisiana, since it could only be lawfully made in recognition of the federal doctrine of implied national powers. He might also be pleased with it because it must tend greatly to strengthen the national authority, which had been an important object of federal policy from the time the government was organized. Mr. Gouverneur Morris, one of the most consistent and able of the Federalist leaders, saw this very plainly, and gave strong approval to the purchase. Hamilton saw it with equal distinctness. He had never had any fears of evils to spring from territorial expansion, and he had little patience with the disposition the Federalist now exhibited to fall back on a strict construction of the Constitution and embarrass the Government with scruples as to power. "It will never do," he said, "to carry the morals of a monk into the cabinet of a statesman." No doubt he agreed in the view expressed by John Quincy Adams a little later, that the purchase was "an assumption of implied powers greater in itself, and more comprehensive in its consequences, than all the assumptions of implied powers in the twelve years of the Washington and Adams administrations put together." But this was of no moment if the act was wise in itself and warranted by the Constitution, and of the wisdom of the acquisition he took the same broad and enlightened view which was expressed by Franklin to Jay in 1794, when in answer to a suggestion that we should concede to Spain its claims, he said: "I would rather agree with the Spaniards to buy at a great price the whole of their right on the Mississippi, than sell a drop of its waters. A neighbor might as well ask me to sell my street door."

The purchase was accomplished with popular approval. LaFayette justly called it a "blessed arrangement for Louisiana," and wrote to Edward Livingston, brother to the minister: "With all my heart I rejoice with you on this great negotiation." But the Federalists in general took narrow and partisan views, and in order to embarrass the administration resorted to quibbles which were altogether unworthy the party which had boasted of Washington as its chief, and Hamilton as the exponent of its doctrines. First, they questioned the validity of the title which France assumed to convey, and which they claimed was hampered by conditions in the Spanish transfer; an objection which properly belonged to Spain herself to raise if it had any force. Second, they objected that in the purchase it was agreed that the inhabitants of the acquired territory should be clothed with the rights of citizenship, whereas the Constitution vested the power to naturalize exclusively in Congress. But if the power to acquire the territory existed this objection was without merit, since the power to confer citizenship upon the people must be incidental. Third, they complained that the acquisition added greatly to the presidential patronage; the last objection that a Federalist, anxious to strengthen the national authority, could consistently raise. And besides other objections which were mere cavils, they claimed that the boundaries of Louisiana were wholly uncertain and undefined, so that it was impossible to say what we had purchased. This last objection was based in fact. No one could say what was the southwest boundary of the territory acquired; whether it should be the Sabine or the Rio del Norte; and a controversy with Spain on the subject might at any time arise. The northwest boundary was also somewhat vague and uncertain, and would be open to controversy with Great Britain. That the territory extended west to the Rocky Mountains was not questioned,

but it might be claimed that it extended to the Pacific. An impression that it did so extend has since prevailed in some quarters, and in some public papers and documents it has been assumed as an undoubted fact. But neither Mr. Jefferson nor the French, whose right he purchased, ever claimed for Louisiana any such extent and our title to Oregon has been safely deduced from other sources. Mr. Jefferson said expressly, "To the waters of the Pacific, we can found no claim in right of Louisiana."

But the Federal leaders did not stop at cavils; they insisted that the unconstitutional extension of territory was in effect a dissolution of the Union, so that they were at liberty to contemplate and plan for a final disruption. Mr. Timothy Pickering, Mr. Roger Griswold and Mr. Josiah Quincy were particularly outspoken in this regard. They saw in this vast acquisition of western territory the final overthrow of the Federal party, the triumph of democratic ideas, the destruction of the conservative influence of New England in the nation, and the impoverishment of their section by the transfer of population and enterprise to the west and south. But their fears were as extravagant as their policy was shortsighted and suicidal. Even in their own section of the Union their bitter complaints fell on deaf ears, and the blows they aimed at Mr. Jefferson, while failing to harm him, from their very violence recoiled destructively upon the party they assumed to lead. Mr. Jefferson, as President, it is plain to be seen now, committed some serious mistakes, but none of them so great, in a party point of view, as the mistake of the Federalists in opposing the acquisition of Louisiana. That party, though still, for a time, possessing considerable vitality, was never again able to make hopeful contest for the government of the country. From 1800 to 1814 its partyism was stronger than its patriotism, and it justly suffered the penalty.

Briefly now, we direct attention to such subsequent events of importance as connect themselves directly with the Louisiana purchase.

1. When the purchase was accomplished the parties concerned in it troubled themselves no more with scruples respecting the want of constitutional power. The purchase was a finality, and if made without authority, it was nevertheless made and could not be unmade. A constitutional amendment might affirm it, but it needed no affirmation for its protection, and the only advantage in having one would be to quiet doubts and remove scruples. But when the Federalists came to make profession of scruples, Mr. Jefferson and his friends, from party antagonism, found their own scruples growing weaker, and very soon ceasing to trouble them. The more vigorously the Federalists cried out against the violation of the Constitution, the more complaisant the Republicans became, and the less disposed to question the original justification. The annexation of the territory was therefore accepted as a legitimate exercise of constitutional authority, and it settled for all time the question of power. It established a precedent which was certain to be followed whenever occasion should invite it, and it would be vain to contend that the Constitution did not sanction what had thus with public approval been so successfully accomplished.

2. The purchase also tended to strengthen very greatly the federal power. This was not merely because it created new offices and demanded considerable expenditure of public moneys, but also because it constituted an exercise of implied powers, most important in their nature, by the party that up to that time had contended against them. It was vain afterwards, for that party or any other, to contend that the federal government must limit itself to the powers expressly granted.

In theory there might still be a party of strict construc-

tion, but it was certain that theory would easily yield to policy, when circumstances appeared to justify it, and it has repeatedly yielded from time to time, from that day to this.

But though the method of settlement of a constitutional question, by exercising a power which the actors asserted had no constitutional basis, was of itself indefensible, the settlement actually made was just and right. Mr. Jefferson's scruples on the subject were wholly unwarranted. It was not the intention in forming the Constitution that the government of the Union, in dealing with international questions, should have any less than the same complete authority which is possessed by other independent governments, or that it should be precluded under any circumstances from recognizing and acting upon such motives of necessity and of supreme policy, as may be recognized and acted upon by others. In fact, the President's scruples were born of party contention; and we may well believe that reflection brought to his mind a conviction of their baseless nature.

3. But this practical settlement of the question of constitutional power did not heal the wound the Constitution received when the chief officer holding office under it advised the temporary putting it aside, and secured the approval of his advice by a numerical majority of the people.

It is immaterial that as we look back upon his work we can see that what he did was not *ultra vires*; the poison was in the doctrine which took from the Constitution all sacredness, and made subject to the will and caprice of the hour that which, in the intent of the founders, was above parties, and majorities and presidents, and congresses, and was meant to hold them all in close subordination. After that time the proposal to exercise unwarranted powers on a plea of necessity might be safely ad-

vanced without exciting the detestation it deserved; and the sentiment of loyalty to the Constitution was so far weakened that it easily gave way under the pressure of political expediency. Very few persons when rebellion broke out were restrained from engaging in it by reverence for the Constitution, and on the part of the Union, so long as hostilities lasted, usurpations, by military and civil officers, were popularly justified by the strange paradox that it is right to violate the Constitution when the purpose is to save it. There is something specious about such a doctrine, but the liberty it allows might satisfy the most reckless fanatic or anarchist; for it gives unbridled license, and leaves every man to judge for himself of the times and occasions when he will elevate his own discretion above that great charter of national unity, which, if sacredly preserved and defended, will make the freest government in the world the strongest and most conservative.

4. The acquisition of Louisiana gave occasion for such contests over the institution of slavery as at several periods brought the Union to the verge of disruption, and at last led to civil war. From the first there was a party which contended that Louisiana was bought to give room for an extension of slavery, or, that if that was not the motive, the purchase gave the opportunity for such extension, and for a predominating influence of the South and West in the Union. The admission of new states formed from the purchase was therefore contested on the ground that the original acquisition, being unwarranted by the Constitution, the territory could not be considered the property of the United States for the purpose of forming new states from it. The Hartford Convention, which met in the most gloomy period of the last war with Great Britain, made the admission of new states in the West one of its grounds of complaint against the general government, an absurd complaint if the purchase of Louisiana

was justifiable. But the more serious contention arose when the State of Missouri applied for admission to the Union, with a constitution framed to perpetuate slavery. The alarm which this created was aptly compared to a fire bell in the night-time, which, while announcing a real terror, excites the imagination with others which are unknown and indefinite, and for that very reason more fearful. The great compromise effected under the leadership of Mr. Clay quieted the alarm for the time, but it did so at the cost of a line of distinct demarkation between free and slave territory in the Great West; a line which constituted a perpetual reminder of antagonistic interests and for that reason was in it itself a standing menace to unity. The sentiment of patriotism henceforward gradually took on something of a sectional character, and public measures were advocated, or antagonized, according as it was supposed that in the end they would strengthen or weaken a section.

To follow in detail the successive events which were alluded to in the early part of this paper would be to rehearse a story already so often told as to have become somewhat monotonous and tiresome. The acquisition of Texas; the war with Mexico; the unexpected results of that war in strengthening the free rather than the slave-holding section of the Union; the advancement of the doctrine of squatter sovereignty, or, as Governor Wise of Virginia aptly phrased it, of what squatter with arms in his hands shall be sovereign; the compromise of 1850 entered into to save a Union then in imminent peril of disruption; the extra-judicial declaration of the Federal Supreme Court that Congress is without power to legislate against slavery in the territories; the *quasi* civil war in Kansas, which prepared the way for the mighty struggle of which the gage was national life; the great revolution in the prevalent system of labor in half the Union: these were events

the story of which will be told and retold "to the last syllable of recorded time;" but we shall not dwell upon them here, for the bitter controversies which attended still rankle in many minds, and we gladly turn away from them to contemplate with patriotic satisfaction a Union of mighty states purified and perfected in the great tribulation which made the people homogeneous.

We have said that the Ordinance of 1787 was the beginning of the end of American slavery. In the great Northwest was then witnessed the first triumph over that mighty institution recognized at the time alike by Christians, Mohammedans and heathen; and which inside the union of states antagonized their fundamental principles. We stand here on historic ground. We do not forget that there were slaves held here as well as elsewhere in the country; slaves under the provisions of the treaty with France, whereby Canada was surrendered, and also under the treaties between the United States and Great Britain; but the people of Indiana and of the country at large can never be too grateful that when in their days of pioneer hardship the early settlers asked relief from the prohibition of bond service, a patriotic Congress denied the request, and held firmly to the original compact. If ever that extraordinary character, John Randolph, exhibited qualities of true statesmanship, it was when, resisting all solicitations, and all sectional and local influences, he refused to be a party to the suspension of the Ordinance of 1787 and declared it "highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier." It was well said by him in addition that "in the salutary operation of this sagacious and benevolent restraint it is believed that the inhabitants of Indiana will at no very distant day find ample remuneration for a temporary priva-

tion of labor and emigration." Ample indeed! What the people asked for was permission to build into the structure of the social and civil state an insidious evil that must inevitably sap the energies of the people and corrupt the morals of society. Randolph forced them to be content with a blessing, when in their blindness they would willingly have bound themselves to a curse. Possibly the eccentric Virginian who, at a later day, denounced in such severe and cutting terms the slave trade in the District of Columbia may have already perceived the great truth and rejoiced in knowing that freedom once securely planted in the heart of the country must in time, by inherent energy, expand and strengthen and subdue and possess, until from ocean to ocean it held in safe embrace the continent.

Thus briefly have we endeavored to picture the great event which so vastly expanded the territory and so profoundly affected the destiny of the republic. Its benefits to the country have been too great and too numerous to be placed before the mind by enumeration or estimate.

In congratulating ourselves upon these we have not thought it unwise or impertinent to emphasize the incidental evils which may spring from teaching the people that the fundamental law may be silenced in supposed emergencies. If there be any peculiar excellence in the American constitutional system it must be found in the fact that the tendencies as well to usurpation as to license are held in close restraint by a law that never ceases to give effective command, and upon which we may all repose in trust and confidence. If a great political party may excuse the overriding of the Constitution for one purpose, a riotous mob may do so for another, and at last comes the anarchist, who, perceiving that others are a law unto themselves, boldly repudiates all law, human and divine, and lays murderous hands upon society and civilization. It is of the essence of freedom that sometimes it shall breed ex-

cesses ; but if curbed by a sentiment of loyalty to the Constitution, the excesses will seldom be serious, and we may justly expect that the great republic of the new world will yet as far surpass all others in solidity and duration as it does now in the liberty it insures to its people. But to render certain a result so beneficent it is essential that we yield to the Constitution no divided allegiance, and that however great may seem to be any existing emergency, the party or sectional aims that are involved shall be subdued and subordinated to the higher demands of a broad and conservative patriotism.

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LOUGHERY'S DEFEAT

AND

PIGEON ROOST MASSACRE

WITH INTRODUCTORY SKETCH.

BY CHARLES MARTINDALE.

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INTRODUCTION.

Upon the surrender of Post Vincennes to Colonel George Rogers Clark, February 24, 1779, that dauntless warrior immediately began planning a campaign for the reduction of Detroit. He says: "Detroit opened full in our view. In the fort at that place there were not more than eighty men—a great part of them invalids—and we were informed that many of the principal inhabitants were disaffected to the British cause. The Indians on our route we knew would now, more than ever, be cool toward the English.

* * * We could now augment our forces in this quarter to about four hundred men, as near half the inhabitants of Post Vincennes would join us. Kentucky, we supposed, could immediately furnish two hundred men, as there was a certainty of receiving a great addition of settlers in the spring. With our own stores, which we had learned were safe on their passage, added to those of the British,¹ there would not be a single article wanting for an expedition against Detroit. We privately resolved to embrace the object that seemed to court our acceptance, without delay, giving the enemy no time to recover from the blows they had received; but we wished it to become the object of the soldiery and the inhabitants before we should say anything about it." * * * Early in the month of

¹ Three boat loads of goods and provisions, about \$10,000 worth, had been captured by a detachment sent up the Wabash river for that purpose on the day after the surrender.

March 1 laid before the officers my plans for the reduction of Detroit, and explained the almost certainty of success, and the probability of keeping possession of it until we could receive succor from the States. * * * In short, the enterprise was deferred until the — of June, when our troops were to rendezvous at Post Vincennes." But when the appointed time came, the troops sent from Virginia under Colonel Montgomery numbered only one hundred and fifty, and from Kentucky, instead of three hundred under Colonel John Bowman, there came but thirty volunteers under Captain McGary. Added to this, the paper money with which the expedition was supplied had so depreciated that it was almost valueless, and the purchase of provisions was impossible. For these reasons the campaign was deferred for the present.¹

In the spring of 1780, after correspondence with Governor Jefferson, of Virginia, Colonel Clark began to collect stores and prepare boats at the Ohio falls for the expedition against Detroit.² Much was hoped for in Virginia from the favorable disposition of the Canadians and the prestige which the successes of this year in the north and south had given to the Americans among the Indians.³ In the task of preparation the utmost discouragements were met. In the fall of 1780 there was great distress from lack of provisions at Fort Jefferson on the Mississippi at the mouth of the Ohio, at Kaskaskia and at Vincennes. Dishonest practices by agents and officers were wasting the resources of the State. Disputes as to authority were rife. Respect and confidence in Clark seems about the only thing that held the soldiery in anything like disci-

¹ Clark's MS. Memoirs; Dillon's Hist. Ind., Chap. xv.

² Virginia State Papers, Vol. 1, pp. 341-390.

³ Id. 326.

pline.¹ The agents of the government were distrusted by the people and their drafts on the treasury taken with much reluctance. Desertions were constantly going on.² Slow progress was made, and in the meantime the Indians, who were held in friendly relations only by liberal presents, finding the supplies cut off at the frontier posts and being brought over to the interests of the English, began to harry the out-lying settlements. In December of 1780 Governor Jefferson issued an order to the county lieutenants of the frontier counties of Virginia levying detachments from the militia to join the expedition at the falls of the Ohio. These orders aroused the most stubborn opposition from the people of those counties, and protests were made from Berkeley and Greenbrier counties, which set forth the danger to their inhabitants from Indian incursions if their militia were further weakened by detachments.³ The militia men refused to obey the draft. On January 18, 1781, Colonel Clark, writing to the Governor of Virginia, says: "I have examined your proposed instructions. I don't recollect of anything more that is necessary except the mode of paying the expenses of the garrison at Detroit, in case of success, as supporting our credit among strangers may be attended with great and good consequences, and my former experiences induce me to wish it to be the case where I have the honor to command. I would also observe to your Excellency that I could wish to set out on this expedition free from any reluctance, which I doubt I can not do without a satisfactory explanation of the treatment of the Virginia delegates in Congress to me, in objecting to an appointment designed

¹ Letter of Richard Winston to Colonel Jno. Todd, *Virginia State Papers*, Vol. 1, p. 380; Letter of Robert George to Colonel G. R. Clark, *Id.*, p. 382; also letter of John Williams and Leo. Helm.

² *Id.* 383; *Id.* 396.

³ *Virginia State Papers*, Vol. 1, p. 461-468.

for me, which your Excellency can not be a stranger to. I could wish not to be thought to solicit promotion, and that my duty to myself did not oblige me to transmit these sentiments to you. The treatment I have generally met with from this State hath prejudiced me as far as consistent in her interest and I wish not to be distrusted in the execution of her order by any continental colonel that may be in the countries that I have business in, which I doubt will be the case, although the orders of the commander in chief is very positive."¹

On February 10 he wrote the governor of Virginia, setting forth the great lack of arms and his disappointment at the want of men,² and he received from Governor Jefferson an encouraging letter notifying him that he had obtained leave from Baron Steuben for Colonel J. Gibson to attend as next in command, and that with General Washington's recommendation, he hoped to have Colonel Gibson's regiment attached to Clark's command.³ A letter written on March 27 to the governor of Virginia contains the following: "It's a very alarming circumstance to me, that if the Frederick, Berkeley and Hampshire militia being excused from the western service. I make no doubt but that good policy might require it. I suspected it, but six or seven hundred men deducted from two thousand is very considerable. I shall never think otherways than that the militia of these counties would have marched with cheerfulness, had they not been encouraged to the contrary. Colonel Gibson's regiment will make some amends, but far from filling up the blank; perhaps we may do it by volunteers from this quarter. I feel the distress of my country and shall devote myself to its in-

¹ Id., p. 441.

² Id., p. 504.

³ Id., p. 511.

terest. But, sir, if any misfortune shall happen, I have the consolation to hope the cause will not be misplaced. My situation is truly disagreeable; the most daring attempts would be agreeable to me was there nothing but death to fear. But more I conceive to be depending at present. To be flung into my situation by a set of men that are not honored with the sentiments of a soldier, is truly disagreeable. I hope these gents alluded to will live to repent of their conduct. Conscious of the rectitude of the orders of government aggravate the guilt of these persons, in my ideas, and can not refrain from giving those, my sentiments, though it may reflect no honor to me."¹

Colonel Broadhead refusing to allow Colonel Gibson's regiment to be detached on this expedition, Clark wrote to General Washington from Fort Pitt, May 20, 1781, asking explicit orders to Colonel Broadhead to this end. In his letter he says: "The advantages which must derive to the States from our proving successful is of such importance that I think deserved greater preparations to insure it. But I have not yet lost sight of Detroit. Nothing seems to threaten us but the want of men. But even should we be able to cut our way through the Indians and find they have no reinforcements at Detroit, we may probably have the assurance to attack it, though our force be much less than proposed, which was two thousand, as defeating the Indians with inconsiderable loss on our side would almost insure our success. Should this be the case, a valuable peace will probably ensue. But on the contrary, if we fall through in our present plans and no expedition should take place, it is to be feared that the consequences will be fatal to the whole frontier, as every exertion will be made by the British party to harass them as much as possible—disable them from giving any succor to

¹ Id., p. 597.

our eastern or southern forces. The Indian war is now more general than ever. Any attempt to appease them will be fruitless."¹

Writing to the governor of Virginia under date of May 23, he says: "The Continental officers and soldiers of this department, to a man, is anxious for the expedition supposed against the Indians. The country in general wishing it to take place. But too few think of going, and so great a contrast between the people of the two States in this quarter that no method can be taken to force them to war. * We are taking every step in our power to raise volunteers. What number we shall get I can't guess. I doubt too few. The disappointment of seven hundred men from Berkeley and Hampshire I am afraid is too great a stroke to recover, as in fact, the greatest part of this country is in subordination neither to Pennsylvania nor Virginia. General Washington informs me that he had received information that Colonel Connelly had left New York with a design to make a diversion in the countries to be reinforced by Sir John Johnson in Kanady. I doubt, sir, if we shall be obliged to play a desperate game this campaign. If we had the two thousand men first proposed, such intelligence would give me pleasure. By the greatest exertions and your timely supplies of money, we have the boats and provisions expected in this quarter nearly complete. I propose to leave this about the 15th of June, if we can embody a sufficient number of men by that time. I do not yet despair of seeing the proposed object on tolerable terms, although our circumstances is rather gloomy. Colonel Crockett and regiment arrived a few days past, who informed me that a company or two of volunteers might be expected from Frederick and Berkeley. I

Virginia State Paper, Vol. 2, p. 108.

am sorry we are so circumstanced as to be glad to receive them."¹

It became apparent by August 1st, that it would be impossible to raise the number of men required for the execution of the plans against Detroit. Colonel Clark was greatly disappointed, and wrote from Wheeling to the Governor of Virginia, August 4th, saying:

"I make no doubt but it was alarm to you that I had not left this country. Whoever undertakes to raise an army in this quarter will find himself disappointed, except the law was of greater force, and not depending on the wills of the populace. This country calls aloud for an expedition, wishing me to put it in execution, but so strangely infatuated that all methods I have been able to pursue will not draw them into the field. We have made drafts to no purpose. Governor Reed has also written to them to no effect. From the time I found I was to be disappointed in the troops ordered by the government, I began to suspect the want of men which is now the case when every thing else is prepared." "I could not get Colonel Gibsons regiment, otherwise I should have been gone long since, but had to make up the deficiency by volunteers, but finding no argument are sufficient, I determined to quit there, leaving no stone unturned by which they might hereafter excuse themselves."

"To save the garrison of Pittsburgh from being evacuated, I have been obliged to spare them a considerable quantity of flour, but yet have enough to do something clever had I men. I have relinquished my expectations relative to the plans heretofore laid, and shall drop down the river with what men I have, amounting to about four hundred, consisting of Crockett's regiment, Craig's artillery, volunteers, etc. If I find a prospect of completing

¹ Id., p. 117.

my forces in any other country I shall do it, and make my strokes according to circumstances. If I find it out of my power to do anything of importance, I shall dispose of the public stores to the greatest advantage, and quit all further thoughts of enterprise in this quarter."

"I do not yet condemn myself for undertaking the expedition against Detroit. I yet think had I near the number of men first proposed, should have carried it. I may yet make some strokes among the Indians before the close of the campaign, but at present really to be doubted. I have been at so much pains to enable us to prosecute the first plan, that the disappointment is doubly mortifying to me, and I feel for the dreadful consequences that will ensue throughout the frontier if nothing is done. This country already begins to suspect it, and to invite me to execute some plans of their own, but I shall no longer trust them."¹

A letter by Major Croghan to Colonel Wm. Davis, written at Fort Pitt, August 18th, gives the information that, "a few days ago General Clarke set out from this country by water, with about four hundred men, including officers and Colonel Crockett's regiment, flattering himself he would be joined by some more from Kentucky and the Falls of Ohio, about half-way between this and the falls. The general expected 1,500 men from this part of the country, and is much chagrined at his disappointment, having provision, ammunition, artillery, quartermaster's stores, boats, etc., sufficient for upwards of 2,000 men. Had the country people turned out and gone with him, I have no doubt the people on this side the mountain, in particular, would be sensible of the advantage they must reap by being able to live at their plantations without the dread of being scalped, which is far from being the case at present, few days passing without the Indians doing mischief of this kind."

¹ Virginia State Papers, Vol. II, p. 294.

"I much fear the general will be disappointed in getting men down the river from Kentucky and the Falls. If so, the State is thrown into an infinity of expense without any advantage, as the few men the general now has is not more than might be necessary to guard the great number of boats, stores, etc., he has with him."

"From every account we have, the Indians are preparing to receive him, and if they should attack him in his present situation, either by land or water, I dread the consequences. The reason so few went with him from this place, is owing to the dispute that subsists here between the Virginians and Pennsylvanians respecting the true bounds of the latter, and the general being a Virginian was opposed by the most noted men here of the Pennsylvania party. The people here blame Virginia very much for making them and their lands (which beyond the shadow of a doubt is far out of the true bounds of Pennsylvania) over to Pennsylvania, and I am assured will never be content until the true bounds of Pennsylvania is run. 'Tis true they are going to run what they call a temporary boundary, but so much injustice is done to the State of Virginia and the people who are now in it, and by this scandalous imposition will be forced into Pennsylvania, that nothing but discord will reign until the bounds is run agreeable to the words of the charter of Pennsylvania."¹

It had been given out that this expedition was against the Indians of the Northwest, and the designs on Detroit were kept in the background, but nevertheless, Brant, the Indian chief, was well informed as to its purpose.² It was Clark's intention to proceed up the Big Miami river and first attack the Shawnee towns on that river. But subsequently he changed his plans and decided to make the Falls of the Ohio his base of operation.

¹Id. 345. ²Letter to Lord George Germain, Appendix.

Colonel Archibald Laughery, or Loughery, was the county lieutenant of Westmoreland county, Pennsylvania, and upon Clark's requisition he raised and provided with an outfit, principally at the expense of himself and Captain Robert Orr, a party of one hundred and seven mounted volunteers. This company rendezvoused at Carnahan's Block-house, eleven miles west of Hannastown, on August 2, 1781, and marched by way of Pittsburgh to Fort Henry (Wheeling), where they arrived on the 8th, about twelve hours after Colonel Clark, with all the men, boats and stores he could gather, had departed, leaving orders for Colonel Loughery to follow and overtake him at the mouth of Little Kanawha. Several days were consumed by Colonel Loughery in getting started. In the meantime Clark's men began to desert. Loughery apprehended Lieutenant Baker and sixteen men who were deserting from Clark at Fishing Creek. To prevent desertion Colonel Clark was obliged to proceed from the Kanawha, leaving a letter affixed to a pole directing Loughery to follow to the Falls of the Ohio. Loughery's stores and forage gave out at this point, and he detached Captain Shannon with seven men in a small boat to overtake Clark and secure supplies. This detachment had not proceeded far when the Indians, who were carefully watching the expedition, captured Shannon and all of his men but two, and also obtained a letter to Colonel Clark detailing Loughery's situation. Joseph Brant, with one hundred Indian warriors, lay in wait to attack Clark at the mouth of the Miami river, but Clark passed in the night, and the Indians being afraid of the cannon and the number of men, did not molest him, but concluded to wait for Loughery's party. It is said that the Indians placed the prisoners they had taken in a conspicuous position on the north shore of the Ohio river, and promised to spare their lives on condition that they would hail Loughery's party

and induce them to land and surrender. However this may have been, at about 10 o'clock on August 24th, Loughery having reached an attractive spot about ten miles below the mouth of the Big Miami, near the present town of Aurora, Dearborn county, Indiana, landed on the north side of the Ohio river, in the mouth of a creek which has since been called Loughery's creek. The Ohio river was very low, and a large sandbar extended from the south almost across to the north bank of the river. Colonel Loughery's party, wearied with their slow and laborious progress, and discouraged by the failure to overtake Clark's army, removed their horses ashore and turned them loose to feed, while some of the men cut grass sufficient to keep them alive until they should reach the Falls. A buffalo had been killed and all were engaged in preparing a meal, when the Indians appeared on both sides of the river, and began firing from the woods. The soldiers seized their arms and made a defense as long as their ammunition held out. An attempt was made to escape by the boats, but they were so unwieldy, and the water so low, that the Indians cut them off. Unable to escape or defend themselves, Colonel Loughery surrendered. Brant, the Indian chief, says thirty-six, including five officers, were killed and sixty-four made prisoners. One or two escaped, but did not reach home for several months afterward. Loughery was tomahawked by a Shawnee Indian after the battle, while sitting on a log, and all the wounded who were unable to march were similarly dispatched. The prisoners were marched eight miles up the Miami river to an encampment, where the Indians were joined by one hundred white men under command of Captain Thompson and three hundred Indians under Captain McKee, both British officers. All of the British and Indians, with Brant's band of warriors, went down against the Kentucky settlements as far as the Falls of the Ohio, leaving

a sergeant and eighteen men to guard the prisoners. No attack was made on Clark's army, however. The prisoners were taken to Detroit and sent from there to Montreal.

The disaster to Loughery was the culmination of the misfortunes of this ill-fated expedition. All thought of accomplishing anything more than the destruction of the Indian villages was abandoned. Nothing of note was done until the fall of 1782, when another expedition was organized, and moving rapidly from Wheeling, destroyed the large Shawnee towns on the Miami and the British posts as far north as Lake Erie.

Lieutenant Isaac Anderson, who succeeded to the command of Shannon's company, after the capture of the latter, has kept a diary of the expedition from the start at Carnahan's Block-house, including the fight, captivity and his wonderful escape from Montreal and trip through the wilds of Maine, Connecticut, New York and Pennsylvania, to his home. This diary is now in the possession of his son Isaac R. Anderson, who resides at Venice (Ross P. O.), Ohio, and the diary is also copied in McBride's history of Butler county, Ohio.

There are appended here two accounts of the Pigeon Roost massacre, which seem to give some details not found in Dillon's History of Indiana, worthy of preservation.

THE BRITISH REPORT.

QUEBEC, 23d Oct., 81.

Lord George Germain by the Fleet:

MY LORD—I have the pleasure to acquaint your Lordship that, by a late dispatch from Detroit, I have an account of an advantage gained by Joseph Brant with an hundred Indians over a division of Colonel Clark's army assembling upon the Ohio for the purpose of destroying the Indian settlements, and if successful in his levies, penetrating to Detroit. Joseph having intelligence of his motions, waited for him at the mouth of the Miamis river, where he passed in the night, and with too great a force for Joseph to attack him, but the next day he fell upon a party of 100 men, commanded by a Lieutenant Colonel Lockery, 64 of whom he made prisoners; 36, including the colonel and five other officers, were killed. A reinforcement of a company of rangers and a strong body of Indians penetrate as far as the falls in hopes of pursuing the blow with success, but Mr. Clark's army were so discouraged by this early defeat that they began to separate, and it is supposed have, for this season, abandoned their enterprize. Many similar Indian parties in that quarter have been very successful, and some considerable strokes have been made upon the Mohawk river and frontiers of Pennsylvania. The vicinity of these, and the perpetual terror and losses of the inhabitants, will I hope operate powerfully in our favor with Vermont, who will experience the happy effects of having their settlements protected, and some of the inhabitants of the neighboring States begin

to retire there for safety. It would be endless and difficult to enumerate to your lordship the parties that are continually employed upon the back settlements. From the Illinois country to the frontiers of New York there is a continual succession. I must do Colonel Johnson and the officers who have the direction of this service the justice to acquaint your lordships that the families I have placed upon Carlton Island, at Niagara and Detroit, with a view to cultivation, promise fare to succeed, and I have not a doubt will, in a very few years, materially contribute as well to the support as to the convenience of those posts.

I am, &c.,

[Signed.]

FRED. HALDIMAND.

DIARY OF CAPTAIN ISAAC ANDERSON.

[Original in possession of I. R. Anderson, Esq., Venice (Ross P. O.), O.]

August 1, 1781. We met at Colonel Carnahan's in order to form a body of men to join General Clark on the expedition against the Indians.

Aug. 2. Rendezvoused at said place.

Aug. 3. Marched under command of Colonel Lochery to Maracle's mill about eighty three in number.

Aug. 4. Crossed the Youghagania river.

Aug. 5. Marched to Devor's ferry.

Aug. 6. To Raccoon settlement.

Aug. 7. Captain Mason's.

Aug. 8. To Wheeling Fort and found Clark was started down the river about twelve miles.

Aug. 9. Colonel Lochery sent a quartermaster and officer of the horse after him, which overtook him at Middle Island and returned; then started with all our foot troops on seven boats, and our horses by land to Grave creek.

Aug. 13. Moved down to Fishing creek; we took up Lieutenant Baker and sixteen men deserting from General Clark and went that day to middle of Long Beach, where we stayed that night.

Aug. 15. To the Three Islands, where we found Major Craycraft waiting on us with a horse boat. He, with his guard, six men, started that night after General Clark.

Aug. 16. Colonel Lochery detached Captain Shannon with seven men and a letter after General Clark and we moved that day to the Little Connaway (Kanawha) with all our horses on board the boats.

Aug. 17. Two men went out to hunt who never returned to us. We moved that day to Buffalo Island.

Aug. 18. To Catfish Island.

Aug. 19. To Bare Banks.

Aug. 20. We met with two of Shannon's men who told us they had put to shore to cook, below the mouth of the Siatha (Scioto) where Shannon sent them and a sergeant out to hunt. When they had got about half a mile in the woods they heard a number of guns fire, which they supposed to be Indians firing on the rest of the party and they immediately took up the river to meet us; but unfortunately the sergeant's knife dropped on the ground and it ran directly through his foot and he died of the wound in a few minutes. We sailed all night.

Aug. 22. We moved to the Two Islands.

Aug. 22. To Sassafras bottom.

Aug. 23. Went all night and all day.

Aug. 24. Colonel Lochery ordered the boats to land on the Indiana shore, about ten miles below the mouth of the Great Meyamee (Miami) river, to cook provisions and cut grass for the horses, when we were fired on by a party of Indians from the bank. We took to our boats expecting to cross the river, and were fired on by another party in a number of canoes in the river and soon we became a prey to them. They killed the colonel and a number more after they were prisoners. The number of our killed was about forty. They marched us that night about eight miles up the river and encamped.

Aug. 25. We marched eight miles up the Meymee river and encamped.

Aug. 26. Lay in camp.

Aug. 27. The party that took us was joined by one hundred white men under the command of Captain Thompson and three hundred Indians under the command of Captain McKee.

Aug. 28. The whole of the Indians and white men went down against the settlements of Kentucky, excepting a sergeant and eighteen men which were left to take care of sixteen prisoners and stores that were left there. We lay there until the 15th of September.

Sept. 15, 1781. We started towards the Shawnee towns on our way to Detroit.

Sept. 19. Arrived at Chillecothey, where the Indians took all the prisoners from Captain Thompson excepting six of us. We lay there until the 26th.

Sept. 26. We marched to Laremes.

Sept. 27. Over the carrying place to the Claize.

Sept. 28. To the Taway village.

Sept. 29. Continued our march.

Sept. 30. Marched all day through swampy ground.

Oct. 1. Arrived at Roche de Bout and rested there eight days.

Oct. 4. Captain Thompson marched for Detroit and left us with the Mohawks where we lay until the 8th.

Oct. 8. Started in a canoe with the Indians for Detroit and lay at the foot of the rapids all night.

Oct. 9. Got to Stony Point, half way to Detroit, from the mouth of the Mame (Maumee) river.

Oct. 10. Got to the spring well, four miles from Detroit.

Oct. 11. Taken into Detroit and given up to Major Arent Schuyler De Pester, who confined us to the citadel.

Oct. 13. Got into good quarters and were well used; had clothing and liberty of going where we pleased round the town until the fourth of November.

Nov. 4. We went on board the sloop Felicity bound for Niagara.

Nov. 5. Lay at anchor in Put-in-Bay.

Nov. 6. Likewise.

- Nov. 7. Set sail with a fair wind.
- Nov. 8. Wind ahead.
- Nov. 9. Sprung the mast by distress of weather.
- Nov. 10. Very stormy weather, lower our sails.
- Nov. 11. Put in at Presque Isle Bay.
- Nov. 12. Lay in said Harbor.
- Nov. 13. Sailed for Fort Erie.
- Nov. 14. Went to Batteaux to Fort Schlosser one mile above Niagara Falls.
- Nov. 15. Went over the carrying place to Niagara Fort and put on board the Seneca.
- Nov. 16. Set sail for Carleton Island.
- Nov. 17. Arrived at said place.
- Nov. 19. Put in the guard house at said place.
- Nov. 20. Started in Batteaux for Montreal.
- Nov. 21. Continued on our journey.
- Nov. 22. Lay at Oswegatchie.
- Nov. 23. Crossed the Long Saut.
- Nov. 24. Arrived at Coteau du Lac.
- Nov. 25. Crossed the Cascades to the Isle of Berrot.
- Nov. 26. Was beat by wind up Chateaugay Island.
- Nov. 27. Crossed Chateaugay river and went to Caughnawaga, an Indian village, and crossed the river St. Lawrence with much difficulty and lay at La Chine all night.
- Nov. 28. Drew provisions and were insulted by drunken Indians; went down to Montreal and were delivered to General Spike who put us in close confinement.
- Nov. 29. Removed to the long house in St. Marc parish and remained there until May 26, 1782.
- May 26, '82. Scaled the pickets about 2 o'clock in the day time, and crossed the river at Longueil church and got into the woods immediately, and steered for Sorrel river; crossed it that night and went into a Frenchman's barn, and killed two lambs and took two horses and rode

all night till day-break, then we made a halt, skinned and barbecued the lambs.

May 27. Started with our horses, got them about five miles and were obliged to turn them out of hand on account of swampy ground and steered an east course all day, and came to the river Missisque, crossed it on a raft; marched about two miles after dark and encamped.

May 28. Marched about day-break. Had gone one mile when we heard the drums beat the reveille from a block-house on said river. We steered that day southeast expecting to strike Heason's road but found it not. We encamped that night on a very high mountain.

May 29. Found a large quantity of snow on said mountain. Crossed the river Missisque and another mountain that day and encamped.

May 30. Crossed three mountains and camped.

May 31. Came to a level country and crossed four creeks, one very difficult to cross, that emptied into Lake Memphremagog. We were obliged to camp on bad ground that night, and our provisions were done.

June 1. Our provisions being done we were obliged to kill our dog and eat him, lost our compass but Providence favored us with clear weather that day and part of the next. We steered our old course, southeast and encamped.

June 2. Struck a branch of the Passumpsic river and kept down it, and in the evening made a raft, expecting to go by water, but was disappointed by driftwood. We encamped in the forks of said river all night.

June 3. Kept our old course and struck an east branch of said river. We kept down it by reason of dark weather. We encamped that night on dead running water.

June 4. Made two rafts and never got any service of them, by reason of rapid running water, and kept our old course that day and encamped.

June 6. Continued our march and struck the settlement

of Cohorse on said river, that evening at one Smith's. We came down the Connecticut that night and crossed below the forks where we staid all night.

June 7. Came past Ebr. Willoughby and to Richard Salmon's where we staid all night, twelve miles from where we struck the settlement.

June 8. Came to Brigadier-General Bayley's and rested there two days.

June 10. Crossed the river to his son's, Ephr. Bayley's, where we got a pair of shoes, and went to James Woodward's, Esquire, where we staid all night.

June 11. To Captain Ladd's, 21 miles.

June 12. To Colonel Johnson's, two miles.

June 13. To Captain Clement's on our way to Pennysuik, 11 miles.

June 14. To Emerson's, Esquire, 21 miles.

June 15. To Captain Favor's, 19 miles.

June 16. To Colonel Garrish's, 14 miles.

June 17. To Colonel Walker's in Pennycuik, 12 miles, where the general court was. There we made application for money and next day got a little.

June 18. Went to Captain Todd's, 11 miles.

June 19. To Captain Walker's where we eat dinner; and left the Merrimac river, and got on the great road for Fishkill's to headquarters, and staid that night at the sign of the Lion, 30 miles.

June 20. To Mr. Holton's, four miles from Lancaster in the Bay State, 25 miles.

June 21. To Worcester and from there to Mr. Sergeant's, where we staid three nights, and got two pairs of trowsers made.

June 24. To Benj. Cotten's, 35 miles.

June 25. To Springfield and crossed the Connecticut river and came to Mr. Eansee's in Connecticut province, 32 miles.

June 26. To Mr. Camp's in Washington town, 40 miles.

June 27. Came past Bull's works and into York province to Thos. Storm's, Esq., where we lay all night.

June 28. Came to Fishkill's landing, 15 miles, and crossed the North river to Newburg to headquarters, expecting to get a supply of money, but his Excellency was gone up the river to Albany, and we could not obtain any. From thence to New Windsor, two miles, where we met with a friend, but no acquaintance, who lent us money to carry us to Philadelphia, which was a great favor. We came that night to John Brouster's, 11 miles.

June 29. To Mr. Snyder's tavern, Jersey province, 32 miles.

June 30. Came to Hackettstown and came to Mr. Haslet's, 27 miles.

July 1. Through Phillipsburg and from there we crossed the Delaware river at Howell's ferry and got into Pennsylvania to Wm. Bennett's in Buck county, 43 miles and 27 from Philadelphia.

July 2. Came to Philadelphia, 27 miles, and stayed there until the 4th.

July 4. Started for Carlisle about 3 o'clock in the afternoon and came to the Sorrel House, 13 miles.

July 5. To Captain Mason's, 42 miles.

July 6. Came through Lancaster and from thence to Middletown where we lay all night, 37 miles.

July 7. Crossed the Susquahanna river and came to Carlisle about 1 o'clock, 26 miles, and rested three nights.

July 10. Started and came through Shippensburg to Captain Thos. Campbell's, 36 miles.

July 11. Rested at said Campbell's.

July 12. To Mr. Welch's, about 5 miles.

July 13. To crossing Juniata, 28 miles.

July 14. Came through Bedford to Arthur McGaughy's, 21 miles.

July 15. To Loud's in the Glades, 32 miles.

July 16. To Colonel Campbell's, 28 miles.

29th Congress, 2d Session. Report No. 30. House of Representatives.

ARCHIBALD LOUGHERY.

[To accompany Bill House of Representatives, No. 611.]

JANUARY 20, 1847.

Mr. Blanchard from the Committee on Public Lands made the following

REPORT :

The Committee on Public Lands, to whom was referred the claims of Jane Thompson and Elizabeth McBrier, of Westmoreland county, Pennsylvania, make the following report :

That the Commonwealth of Virginia, on the second day of January, 1781, yielded to the Congress of the United States, for the benefit of said States, all right, title and claim which the said commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession ; which said act of cession, with the conditions annexed, the Congress of the United States accepted, among which conditions was the following : "That a quantity, not exceeding one hundred and fifty thousand acres of land promised by the State of Virginia, should be allowed and granted to the then Colonel (now General) George Rogers Clark, and to the officers and soldiers of his regiment who marched with him when the posts of Kaskaskias and St. Vincents were reduced, and to the officers

and soldiers that have since been incorporated into the said regiment; to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northeast side of the Ohio, as a majority of the officers shall choose; and to be afterwards divided among the said officers and men in due proportion, according to the laws of Virginia."

The committee further report, that it appears by the affidavits of credible witnesses, that Colonel Archibald Loughery, father of the above-named claimants (which affidavits are hereto annexed and made part of this report), some time during the summer of 1781 raised several companies of volunteers, of which he was chosen commander, for the purpose of joining the forces of General George Rogers Clark in the expedition against the Mohawk and Seneca Indians, inhabiting the country now belonging to the State of Ohio. That, in August, 1781, he marched with his men to Wheeling, Ohio, expecting to join the forces under said General Clark, but when he and his men arrived at Wheeling, they found General Clark had left that place a few days before they arrived, but had left boats for Colonel Loughery and his men to follow them. That they took the boats thus left for them, but somewhere near the mouth of the Big Miami river, Colonel Loughery and his men landed to cook and eat some food, and were attacked by a large body of Indians, and the said Loughery and a number of his men were killed, and the remainder taken prisoners by the Indians, and never joined the forces under General Clark as was intended.

The committee, therefore, report that, upon the above state of facts, the heirs of the said Colonel Archibald Loughery are entitled to the same quantity of bounty land as if their father had actually joined the forces under General George Rogers Clark.

PENNSYLVANIA,
WESTMORELAND COUNTY. } ss.

Personally appeared before the subscriber, a justice of the peace in and for said county, James Kean, who being duly sworn according to law, upon his solemn oath, doth depose and say: That sometime in the summer of seventeen hundred and eighty-one, volunteers were raised in Westmoreland county, Pennsylvania, for the purpose of joining an expedition at that time making against the Mohawk, Seneca, and other tribes of Indians; that said volunteers were to march in the country now composing the State of Ohio; that the companies in Westmoreland county were under the command of Colonel Archibald Loughery, and were composed of upwards of a hundred men under the command of said colonel. This deponent was attached to a company of rangers under Captain Thomas Stokely; that they had volunteered to march under the command of General George Rogers Clark on the expedition; that Colonel Loughery marched his men to Wheeling, where this deponent understood they were to join General Clark. On the arrival of the troops there, they found that General Clark had left there four days before, but had left four or five boats behind to carry on Colonel Loughery and his men. From this place Colonel Loughery sent a messenger (Richie Wallace) after General Clark; he brought word that Clark would wait for them at the mouth of some creek, the name of which is not remembered by deponent. Colonel Loughery and his companies embarked in the boats left for them at Wheeling by General Clark, and arrived on that or the next day at the mouth of the creek. On their way down they took sixteen deserters from the troops of General Clark, and carried them along back. On their arrival at the creek, they found General Clark and his troops had

left. Colonel Loughery then proceeded with his men after Clark in the boats. On the 21st or 24th of August, 1781, they landed on the north bank of the Ohio, about ten miles below the mouth of the Big Miami river, for the purpose of cooking some victuals; the river was then low; there was a sand-bar that reached into the river from the south side. As they were kindling their fires, the Indians commenced an attack from an upper bank. Colonel Loughery ordered his troops to the boats, to pass over to the sand-bar; as soon as they embarked and commenced moving over, a large body of Indians rushed from the woods on the bar, and prevented a landing or making an escape, when the colonel ordered us to surrender. There were about thirty men killed in the fight on the side of the whites. Within an hour or two after the fight this deponent understood Colonel Loughery was killed by a Shawnee Indian as he was sitting on a log; deponent within that time saw the scalp of the colonel in the hands of an Indian; the peculiar color of the hair caused deponent to know the scalp.

JAMES KEAN, his x mark.

Sworn and subscribed before me this 25th August, 1843.

W. McWILLIAMS.

I do certify that I am acquainted with James Kean, the foregoing deponent, and that he is a man of credibility, and that full credit is given to his testimony as such.

Witness my hand and seal this 25th August, 1843.

[L. S.]

W. McWILLIAMS.

STATE OF PENNSYLVANIA, }
WESTMORELAND COUNTY. } ss.

I, David Fullwood, prothonotary of the court of common pleas of the county of Westmoreland, in the Commonwealth of Pennsylvania, do hereby certify that W.

McWilliams, Esq., before whom the foregoing deposition was made, and whose name, in his own proper handwriting, is to the above certificate appended, was then, and now is, an acting justice of peace in and for said county of Westmoreland, duly commissioned and appointed, and to all whose official acts and deeds full faith and credit are of right due.

In testimony whereof I have hereto set my hand and affixed the seal of said court, at
[L. S.] Greensburg, the twenty-fifth day of August, in the year of our Lord one thousand eight hundred and forty-three.

DAVID FULLWOOD, Prot.

PENNSYLVANIA, }
BUTLER COUNTY. } ss.

Personally appeared before me, a justice of the peace in and for the county of Butler, William Christie, and after being duly sworn according to law, deposeth and saith that he was well acquainted with Colonel Archibald Loughery, of Westmoreland county, and his wife Mary, and that he was well acquainted with their two reputed daughters, Jane Loughery and Elizabeth Loughery, and that said Jane was married to Samuel Thompson, of said county of Westmoreland, and that Elizabeth was married to David McBrier, of the same county. And further saith not.

WILLIAM CHRISTIE.

Sworn and subscribed before me, this the 9th day of March, 1844.

JOHN BREWSTER, J. P.

I do certify that I am acquainted with William Christie, the foregoing deponent, and that he is a man of credibility, and that full credit is given to his testimony as such.

Given under my hand and seal, this the 9th day of March, 1844.

[L. S.]

JOHN BREWSTER, J. P.

BUTLER COUNTY, }
STATE OF PENNSYLVANIA. } ss.

I, Jacob Mechlin, Jr., prothonotary of the court of common pleas in and for the county of Butler, in the commonwealth of Pennsylvania, do by these presents, certify that John Brewster, Esq., before whom the foregoing certificate was taken, and who has thereunto, in his own proper handwriting, subscribed his name, was at the time of taking such certificate, and now is, an acting justice of the peace in and for the said county, duly commissioned and sworn, to all whose acts, as such, due faith and credit are, and of right out to be, given throughout the United States and elsewhere.

In testimony whereof I have hereunto set my hand and affixed the seal of said court of
[L. S.] Butler, in the said county, this the 9th day of March, in the year of our Lord one thousand eight hundred and forty-four.

Attest:

JACOB MECHLIN, JR.,
Prothonotary.

PENNSYLVANIA, }
WESTMORELAND COUNTY. } ss.

Personally appeared before me, the subscriber, a justice of the peace in and for said county, James Chambers, who being duly sworn according to law upon his solemn oath doth depose and say: that I was taken prisoner by the Indians in June, seventeen hundred and eighty-one, and taken to Detroit; and that while there Ezekiel Lewis, with

several others, were brought prisoners to Detroit, and stated to said deponent that they had been taken prisoners with Colonel Archibald Loughery who was killed by the Indians. Said deponent was acquainted with Colonel Loughery, and his family consisted of a wife and two daughters—Jane, who was afterward married to Samuel Thompson, since deceased, and Elizabeth, who was afterwards married to David McBrier, since deceased—who now reside in Washington township, Westmoreland county, and State of Pennsylvania. And further saith not.

JAMES CHAMBERS.

Sworn and subscribed before me, March 6, 1844.

ALEXANDER THOMPSON.

I do certify that I am acquainted with James Chambers, the foregoing deponent, and that he is a man of credibility, and that full credit is given to his testimony as such. Witness my hand and seal, this, the 6th day of March, A. D. 1844.

[L. S.]

ALEX. THOMPSON.

STATE OF PENNSYLVANIA, }
WESTMORELAND COUNTY. } ss.

I, David Fullwood, prothonotary of the court of common pleas for the county of Westmoreland, in the Commonwealth of Pennsylvania, do hereby certify that Alexander Thompson, before whom the foregoing deposition was made, and whose name, in his own proper handwriting, is to the within certificate appended, was, then, and now is, an acting justice of the peace in and for the county of Westmoreland, duly commissioned and appointed, and

to all whose official acts and deeds full faith and credit are of right due.

[L. S.] In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Greensburg, the fourteenth day of March, in the year of our Lord, one thousand eight hundred forty-four.

DAVID FULLWOOD,
Prothonotary.

PENNSYLVANIA, }
ARMSTRONG COUNTY. } ss.

Personally appeared before the subscriber a justice of the peace in and for said county, Ezekiel Lewis, a resident of the county of Armstrong, Pennsylvania, who being duly sworn according to law, upon his solemn oath doth depose and say : That sometime in the summer of seventeen hundred and eighty-one, volunteers were raised in Westmoreland county, Pennsylvania, for the purpose of joining an expedition at that time making against the Mohawk, Seneca, and other tribes of Indians ; that said volunteers were to march in the country now composing the State of Ohio ; that the companies in Westmoreland were put under the command of Archibald Loughery ; then a resident of Westmoreland county, who commanded said companies as colonel, and was received and acknowledged by them as their colonel in command : the troops rendezvoused on *Sewekey* [Sewickley?] or Jacob Swamps, Westmoreland county. Colonel Loughery had, when he started from the place of rendezvous, upwards of eighty men ; the companies composing Colonel Loughery's command were commanded by Captain Robert Orr and William Campbell. I was under the command of Captain William Campbell. Deponent says they marched from the place of rendezvous,

he thinks, to McKeesport, on the Monongahela river and descended said river to Pittsburg: Captain Stockley joined the command of Colonel Loughery, some place before we got to Wheeling (don't recollect the place particularly); from Pittsburg we traveled by land to Wheeling, where we embarked in boats and started down the Ohio river to join General Clark; in one or two days we stopped at the mouth of a creek where we expected to meet General Clark; when we arrived there, General Clark had gone on down the river; on our way down the river we took some deserters from General Clark's command, and carried them with us; Colonel Loughery proceeded on down the river, intending to overtake General Clark, until the 24th of August, 1781, about 9 or 10 o'clock; we landed on the north bank of the Ohio for the purpose of cooking breakfast; we had killed a buffalo the evening before; where we landed was near the mouth of the Big Miami. As we were kindling the fires, the Indians commenced an attack upon us; there were about forty of the whites killed, and the rest all taken prisoners, together with Colonel Loughery and all his officers; in about two hours after we were taken, one of the Indians tomahawked Colonel Loughery sitting on a log; I saw him after he was killed, and his scalp was taken off; deponent saith he had been intimately acquainted with Colonel Loughery for some years before the time of the campaign spoken of; knew he had a wife and some children; does not know how many. And further saith not.

EZEKIEL LEWIS.

Subscribed and sworn to before me, 11th March, 1844.

JOHN R. JOHNSTON,
Justice of the Peace.

We do certify that we have been intimately acquainted with Ezekiel Lewis, the foregoing deponent, for the last

twenty-five years, and that he is a man of truth and veracity, and that he is so acknowledged in the neighborhood in which he was raised since the time we have been acquainted with him.

Witness my hand and seal, 11th March, 1844.

[L. S.]

JOHN R. JOHNSTON,
Justice of the Peace.
ROBERT ORR.

STATE OF PENNSYLVANIA, }
ARMSTRONG COUNTY. } *scd.*

I, James Douglass, prothonotary of the court of common pleas in and for said county, do certify that John R. Johnson, esquire, before whom the within deposition was taken, was, at the time of taking the same, an acting justice of the peace in and for said county, duly elected, commissioned and sworn, to all of whose official acts as such, full faith and credit are due and of right ought to be given, as well throughout the county aforesaid as elsewhere; and that his signature thereto is genuine and in his proper handwriting.

In testimony whereof I have hereunto set my hand and affixed the seal of said county at
[L. S.] Kittaning, the 11th day of march, in the year of our Lord one thousand eight hundred and forty-four. J. DOUGLASS, Prothonotary.

From reports of Committees, 2d Sess., 29th Cong. No. 30.

Same report and affidavits made reports Coms. 1st Sess. 35 Cong., Vol. II, 289. April 17, 1858. [Bill H. R. No. 504.]

AN ACCOUNT
OF
PIGEON ROOST MASSACRE.

BY JUDGE I. NAYLOR.*

The war of 1812 forms an important era in American history. At this eventful period I lived at my father's home in Clark county, then Indiana Territory, near Charlestown, three miles from the Ohio river. Many of the citizens of this county having served as volunteers under General Harrison on the Tippecanoe campaign, a few months prior to the declaration of war, had imbibed a spirit of military enthusiasm, and were animated by feelings of hostility towards Great Britain and her savage

*Isaac Naylor was born in Rockingham county, Virginia, in 1790. He was the son of John and Elizabeth Naylor of an excellent family on both sides. His mother was the only sister of James, John and Charles Beggs, who were prominent in Indiana Territorial and State affairs. His parents moved to Charlestown, Indiana, when he was still a child. In 1817 he was admitted to the bar. He was in the militia service of the Indiana Territory from 1813 to 1814 inclusive, and fought at the battle of Tippecanoe. In 1826 he married Catherine Anderson, daughter of Captain Robert Anderson of Revolutionary fame. He moved to Crawfordsville in 1833, and was in 1837 elected judge of the twelfth circuit, and served until 1852. In 1860 he was elected judge of the Court of Common Pleas, retiring to private life in 1868. He died at Crawfordsville, Indiana, April 26, 1873.

allies. They had hailed the "Declaration of War" as a second "Declaration of Independence," and had manifested their approbation of this act of the National Legislature by rejoicing and illuminations.

Under the influence of these feelings and this spirit of military ardor, in the latter part of August a company of mounted riflemen, commanded by Captain Pittman, marched to Vincennes for the defense of the western portion of the Territory.

About this time we learned that General Hull had disgracefully surrendered his gallant army to the British general as prisoners of war. The news of this event passed through the Territory like an electric shock, inspiring all with fearful forebodings of Indian depredations and indiscriminate slaughter of the inhabitants along the line of our frontier.

Our anticipations of impending evil were soon realized. A simultaneous attack was made by the Indians at many points of our frontier settlements. At sunset, about the first of August, some eight or ten Indians made an attack on what was called the Pigeon Roost settlement, fifteen miles from Charlestown, and in one brief hour killed about twenty-three persons, including men, women and children, some of whom were consumed in their homes where they were murdered. But one house was successfully defended. This was the house of Mr. Collings, the father of Zebulon Collings, Esq., who has written a more specific and enlarged account of this massacre.

One of the sons of Mr. Collings was at work in a field, and was mortally wounded before he could reach his father's dwelling. He was found in a day or two in a flax house, and died shortly afterwards.

After scalping and mangling their victims in a most horrible manner, the Indians then plundered and set fire to the houses and consumed them to ashes.

I heard the news of this mournful event about 10 o'clock

in the morning of the next day after it had occurred, and having my rifle, powder and bullets in order in thirty minutes I was on my horse marching toward the Pigeon Roost. I was soon in company with many mounted riflemen whom I found on the road. We arrived at the ill-fated spot about 2 P. M., our company having increased to the number of two or three hundred mounted riflemen.

Oh, what a mournful scene of desolation, carnage and death met our vision, as we beheld the smoking ruins of log-cabins and the mangled bodies of men, women and children, their once happy inmates! I have seen the Tippecanoe battle-fields strewn with dead and dying soldiers. They had fallen in deadly strife with a savage foe whom they had conquered. They had fallen in the soldier's costume, a soldier's armor. They were entitled to a soldier's grave. Not so in the Pigeon Roost massacre. Here all were doomed to indiscriminate slaughter, from the suckling babe to the hoary-headed grandmother and grandsire. Neither age, nor sex, nor beauty, nor innocence could stay the hand of the merciless savage.

The Pigeon Roost settlement was confined to less than a section of land. It was a fertile spot in the midst of surrounding sterility. Its fertility was due to the roosting of pigeons there for a long series of years. It was detached from the main settlement by an intervening distance of five miles.

A Mrs. Beal, whose husband was a volunteer in Captain Pitman's company at Vincennes, hearing the yells of the Indians, retired from her log-cabin, with her two infants, to a sink hole in a cornfield, and remained there till nine or ten o'clock at night, when she left her hiding place and traveled a lonely path to the main settlement, where she arrived in safety with her children, at two o'clock the next morning, exhibiting a presence of mind and a degree of moral courage highly honorable to female character.

About this time an attack was made on Fort Harrison by a thousand or twelve hundred Indians. The garrison, consisting of a company of U. S. Infantry, was commanded by Captain Zachary Taylor, now Major-General Taylor commanding the U. S. Army in Mexico. The fort was most gallantly and successfully defended, and after a siege of five days the Indians retired. At three o'clock in the afternoon we found the Indians' trail and pursued it till dark, and then encamped. Finding that the Indians had left the Pigeon Roost early in the morning, we returned home. In two or three days a large number of brave Kentuckians came to our assistance. They were all-mounted riflemen, anxious to avenge the death of those unfortunate inhabitants who had been murdered at Pigeon Roost, and they were joined by a large number of Indiana mounted riflemen, who commenced an expedition against the Delaware towns, located on the west branch of White river. In attempting a military organization, the expedition failed through the ambition of a few men who desired to have the command of the troops. We then dispersed and retired to our homes, finding a general panic among the people, many of whom had left their homes and gone to Kentucky.

The court-house at Charlestown was converted into a fort for the protection of the town and its vicinity. Forts were erected all along the line of our frontier settlements. They were garrisoned by the militia of the Territory, whose duty it was to range from one fort to the other, until the spring of 1813, when the U. S. Rangers went into service. In the early part of March, 1813, the Indians killed a Mr. Huffman, wounded his wife, and took his grandson prisoner in daylight, in sight of one of the forts, eight miles from Charlestown.

The preceding is but a brief and imperfect sketch of the war scenes of 1812 and '13 as they appeared in a portion of Indiana.

PIGEON-ROOST MASSACRE.

A. W. TOBIAS, IN MADISON COURIER.

Pigeon Roost was the name of a small settlement formed in 1809, and was so called from the innumerable number of pigeons that roosted in that vicinity. It was situated five miles south of Scottsburg, the present county seat of Scott, and near a beautiful stream that bears the memorable name until this day. At the time of the massacre most of the men were away from home. In the afternoon of September 3, 1812, Ellis Payne and a Mr. Collings, while out bee-hunting one and a half miles from the present site of Vienna, were surprised and killed by a party of Shawnee warriors. Scalping their victims, they hastened toward the settlement, which they reached about sundown. In one short hour one man, five women and sixteen children were struck dead by the ruthless tommyhawk of the fiendish savages. Among the killed were Henry Collings and wife, Mrs. Payne and her eight children, Mrs. Collings and her seven children, Mrs. John Norris, her only child and aged mother-in-law—for the aged were spared no more than the infant. Mrs. Briggs concealed herself and children in a sink-hole until the Indians became busily engaged in burning and plundering, when she fled, and succeeded in reaching the residence of her brother. John Collings, son of William E. Collings, had just caught a horse to go after the cows, when he saw an Indian approaching in a threatening attitude. He dropped the rein and fled, pursued by the savage, who was

gaining on him, when he heard the report of his father's rifle, and saw the savage fall with the blood streaming from his breast. He succeeded in reaching the house in safety. There was in the house: William E. Collings (whom the Indians well knew, and from his unerring aim named Long Knife), his two children, John and Lydia, and Captain Norris. They kept the Indians back until about dark. They knew that as soon as it was dark enough for the Indians to approach the house without being seen they would set fire to it, and burn them alive. They therefore decided to risk the peril of escape. Lydia went first, then her brother John, followed by Norris, and lastly, "Long Knife." As the latter was passing the corn-crib an Indian fired at him. He immediately raised his gun to return the fire, when he found that the ball fired by the savage had broken the lock of his gun. He hallooed to Norris to bring him the other gun, but Norris was like the Irishman, "He had a brave heart, but cowardly pair of legs," and they carried him away, leaving Collings to fight the Indians alone with a broken gun. When they crowded him too close he would raise his gun and pretend that he was going to fire, and thus frighten them back; for they knew, from the many shooting-matches in which he came out second to none, that it was folly to stand before his aim. In this way he reached the corn-field, under cover of which he escaped. After plundering the houses the Indians set fire to them and most of the dead bodies being within the houses were thus consumed. However, some of the children were pierced by sharp sticks and left sitting against the trees. Their horrible deed accomplished, the Indians started northward. A large force of Clark county militia were soon gathered from the vicinity of Charlestown, which reached the scene of carnage while the smoking remains of the cabins and charred bodies presented the most horrible spectacle they had ever witnessed. They immedi-

ately pursued the savages to the Muscatatuck, which they found so much swollen that they could not effect a crossing, and were compelled to give up the pursuit. They then returned and buried the remains of the victims in two graves about one hundred yards east of the J., M. & I. railroad, and near what is since known as the Pigeon-roost or Sodom Cemetery. At present there is nothing to show where the graves are except three or four rough stones and a large sassafras tree, which is said to have witnessed the event, but is now thought to be entirely dead.

INDIANA HISTORICAL SOCIETY PUBLICATIONS.

VOLUME II.

NUMBER 5.

A DESCRIPTIVE CATALOGUE

OF THE

OFFICIAL PUBLICATIONS

OF THE

TERRITORY AND STATE OF INDIANA

FROM 1800 TO 1890

INCLUDING REFERENCES TO THE LAWS ESTABLISHING THE VARIOUS
STATE OFFICES AND INSTITUTIONS, AND AN INDEX
TO THE OFFICIAL REPORTS.

By DANIEL WAITE HOWE

INDIANAPOLIS :
THE BOWEN-MERRILL CO., PUBLISHERS.
1890.

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PREFACE.

There is not now, and never has been, any catalogue of the official publications of Indiana. Very few know what they are, or the contents of them. They might as well be in Hebrew, so far as the general public is concerned.

It is the object of this catalogue to tell what they are and, in a general way, what is in them.

I presume that most persons look upon "official publications" as belonging to that class of books characterized by James Russell Lowell as "Literature suited to desolate islands." I admit that they are not as fascinating as the latest novel, but I affirm that there is a great deal of valuable and interesting reading in them. The books enumerated in this catalogue contain information which is indispensable to one who wishes to be familiar with the history of the State. They contain a great deal upon many topics of interest to the educator and the student. They show the record of Indiana from a beginning in the wilderness to the front rank of States—a record splendid in war and in peace.

It is to be hoped that this and other publications of the Historical Society will entitle it to some favorable consideration from the public and the Legislature. A few of its members meet occasionally and do what they can to excite interest in the history of Indiana. Whatever they publish is at their own expense. We are obliged, therefore, to cultivate history as economically as the original publishers of the *Edinburg Review*, according to their motto, cultivated literature.

But we are doing the best we can to dig out the wealth of historic treasure that lies buried in old books and musty manuscripts, and, if we accomplish only a little, it will be that much gained for those who are interested in the study of Indiana history.

DANIEL WAIT HOWE.

Feb. 20, 1890.

INDIANA TERRITORIAL PUBLICATIONS.

JOURNALS OF TERRITORIAL GENERAL ASSEMBLY.—The proceedings of the Territorial General Assembly were published in the *Western Sun*, a newspaper printed at Vincennes, by Elihu Stout. No other printed copies are now known to be in existence, although it is supposed by the Hon. William H. English, Mr. Jacob P. Dunn, Jr., and others, who have carefully investigated the matter, that the proceedings were separately printed and bound. Nor are any printed copies known to be in existence of any other territorial publication, except the laws.

A record of rare historic value, the executive journal, kept by Gen. John Gibson, Secretary of the Indiana Territory, remains unprinted to this day in the office of the Secretary of State.

LAWS OF GOVERNOR AND JUDGES.—On May 7, 1800, Congress passed an act for the organization of the Indiana Territory, to take effect from and after July 4th of that year. By that act the law-making power was vested in the Governor and territorial judges, with certain restrictions, until the organization of a Territorial General Assembly. The only complete set of the laws adopted by the Governor and Judges, as originally printed, now certainly known to exist, is owned by Judge John H. Stotsenburg, of New Albany, Indiana. The laws of the Governor and Judges, and of the first and second sessions of the first Territorial General Assembly were reprinted and published in one volume, by Throop & Clark, Paoli, Ind., in 1886.

The sessions of the Governor and Judges at which laws were adopted, were held as follows :

First session begun	January	12, 1801.
Second " "	January	30, 1802.
Third " "	February	16, 1803.
Fourth " "	September	20, 1803.

LAWS OF GENERAL ASSEMBLY.—There were five Territorial General Assemblies, at which laws were passed, of two sessions each. At the first session of the second General Assembly, a revision, prepared by John Rice Jones and John Johnson, was adopted, and by an act passed at the same session all former territorial laws, in force at the beginning of the session, and not incorporated in the revision, were repealed. This is known as the "Revision of 1807." The only complete set of the laws of the General Assembly, as originally printed, certainly known to exist, is owned by Mr. William Farrell, of Paoli, Indiana.

There was, also, published in 1815, as a private compilation, and not by authority of the General Assembly, a volume entitled: "A Compend of the Acts of Indiana, from the year eighteen hundred and seven until that of eighteen hundred and fourteen, both inclusive. By General W. Johnston, of Vincennes. From the press of Elihu Stout, Vincennes." Pages, 128.

The sessions of the General Assembly at which laws were enacted, were held as follows :

First General Assembly, first session, begun	July	29, 1805.
second " "	Nov.	3, 1806.
Second General Assembly, first session, begun	Aug.	16, 1807.
second " "	Sept.	26, 1808.
Third General Assembly, first session, begun	Nov.	12, 1810.
second " "	Nov.	11, 1811.
Fourth General Assembly, first session, begun	Feb.	1, 1813.
second " "	Dec.	6, 1813.
Fifth General Assembly, first session, begun	Aug.	15, 1814.
second " "	Dec.	4, 1815.

INDIANA STATE PUBLICATIONS.

The State publications may be conveniently classified as follows :

- I. Proceedings of Constitutional Conventions.
2. Legislative Proceedings, including—
 - a. House and Senate Journals.
 - b. Documentary Journals and Annual Reports.
 - c. Brevier Legislative Reports.
3. Laws, including—
 - a. Session Laws.
 - b. Revisions.
4. Reports of State officers, etc.
5. Supreme Court Reports.
6. Miscellaneous.

PROCEEDINGS OF CONSTITUTIONAL CONVENTIONS.—

The first constitutional convention was convened at Corydon June 10, and adjourned June 29, 1816. Its proceedings are contained in a journal of one volume.

The second constitutional convention convened at Indianapolis October 7, 1850, and adjourned February 10, 1851, the Constitution adopted providing that it should take effect on the first day of November, 1851, and that it should supersede that of 1816. Its proceedings are contained in a journal of one volume and two volumes of debates.

1816. Journal of the convention of the Indiana Territory begun and held at the town of Corydon, in the county of Harrison and Territory aforesaid, on the second Monday in June, being the tenth day thereof, in the year of our Lord one thousand eight hundred and sixteen, and of

the independence of the United States the fortieth. Louisville. 1816. 1 vol.

1851. Journal of the convention of the people of the State of Indiana to amend the Constitution, assembled at Indianapolis, October, 1850. Indianapolis. 1851. 1 vol.

Report of the debates and proceedings of the convention for the revision of the Constitution of the State of Indiana, 1850. Indianapolis. 1850. 2 vols.

LEGISLATIVE PROCEEDINGS—*House and Senate Journals.*
—These are the Journals of the two branches of the General Assembly, beginning with the first session. The Constitution of 1816 provided for annual sessions of the General Assembly, the first to be held on the first Monday in November of that year, and subsequently on the first Monday in December in each year, unless a different time should be fixed by law. They were so held, except in a few instances mentioned below, until after the adoption of the Constitution of 1851, which provided that a session of the General Assembly should be held on the first Monday in December, 1851, and that thereafter the sessions should be held “biennially, commencing on the Thursday next after the first Monday in January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter,” unless a different day should be appointed by law, but giving the Governor the power, by proclamation, to call a “special session.” Under the Constitution of 1851 various special sessions have been held, commencing at the dates mentioned below. These are sometimes designated as “called,” but usually as “special” sessions.

The House and Senate Journals contain, besides the proceedings of the two legislative bodies, many documents of various kinds, such as messages of the Governor, reports, etc. In some instances the same document is printed in both House and Senate Journals, and also in the Documentary Journals and Annual Reports. These Journals

are not regularly numbered, and are cited by the number of the session or year. The 42d session is styled the 43d, and the error in numbering has been continued in the subsequent sessions. The Journals prior to those for the 18th session (1833-4) are not indexed.

The following is a complete list of the House and Senate Journals:

NO. OF SESSION.	YEAR.	WHEN BEGUN.	NO. OF VOLS. <i>House. Senate.</i>	
1.....	1816-17.....	Nov. 4, 1816.....	I	1
2.....	1817-18.....	Dec. 1, 1817.....	I	1
3.....	1818-19.....	Dec. 7, 1818.....	I	1
4.....	1819-20.....	Dec. 6, 1819.....	I	1
5.....	1820-21.....	Nov. 27, 1820.....	I	1
6.....	1821-22.....	Nov. 19, 1821.....	I	1
7.....	1822-23.....	Dec. 2, 1822.....	I	1
8.....	1823-24.....	Dec. 1, 1823.....	I	1
9.....	1824-25.....	Jan. 10, 1825.....	I	1
10.....	1825-26.....	Dec. 5, 1825.....	I	1
11.....	1826-27.....	Dec. 4, 1826.....	I	1
12.....	1827-28.....	Dec. 3, 1827.....	I	1
13.....	1828-29.....	Dec. 1, 1828.....	I	1
14.....	1829-30.....	Dec. 7, 1829.....	I	1
15.....	1830-31.....	Dec. 6, 1830.....	I	1
16.....	1831-32.....	Dec. 5, 1831.....	I	1
17.....	1832-33.....	Dec. 3, 1832.....	I	1
18.....	1833-34.....	Dec. 2, 1833.....	I	1
19.....	1834-35.....	Dec. 1, 1834.....	I	1
20.....	1835-36.....	Dec. 7, 1835.....	I	1
21.....	1836-37.....	Dec. 5, 1836.....	I	1
22.....	1837-38.....	Dec. 4, 1837.....	I	1
23.....	1838-39.....	Dec. 3, 1838.....	I	1
24.....	1839-40.....	Dec. 2, 1839.....	I	1
25.....	1840-41.....	Dec. 7, 1840.....	I	1
26.....	1841-42.....	Dec. 6, 1841.....	I	1
27.....	1842-43.....	Dec. 5, 1842.....	I	1
28.....	1843-44.....	Dec. 4, 1843.....	I	1
29.....	1844-45.....	Dec. 2, 1844.....	I	1
30.....	1845-46.....	Dec. 1, 1845.....	I	1
31.....	1846-47.....	Dec. 7, 1846.....	I	1
32.....	1847-48.....	Dec. 6, 1847.....	I	1
33.....	1848-49.....	Dec. 4, 1848.....	I	1
34.....	1849-50.....	Dec. 3, 1849.....	I	1
35.....	1850-51.....	Dec. 30, 1850.....	I	1
36 Reg.	1851-52.....	Dec. 1, 1851.....	2	1
37 Reg.	1853.....	Jan. 6, 1853.....	I	1
38 Reg.	1855.....	Jan. 4, 1855.....	I	1
39 Reg.	1857.....	Jan. 8, 1857.....	I	1
Special	1858.....	Nov. 20, 1858.....	I	1

NO. OF SESSION.	YEAR.	WHEN BEGUN.	NO. OF VOLS.	
			House.	Senate.
40 Reg.	1859	Jan. 6, 1859	1	1
41 Reg.	1861	Jan. 10, 1861	1	1
Special	1861	April 24, 1861	1	1
43 Reg.	1863	Jan. 8, 1863	1	1
44 Reg.	1865	Jan. 5, 1865	1	1
Called	1865	Nov. 13, 1865	1	1
45 Reg.	1867	Jan. 10, 1867	2	1
46 Reg.	1869	Jan. 7, 1869	1	1
Special	1869	April 8, 1869	1	1
47 Reg.	1871	Jan. 5, 1871	1	1
Special	1872	Nov. 13, 1872	1	1
48 Reg.	1873	Jan. 9, 1873	1	1
49 Reg. and	1875	Jan. 7, 1875	2	2
Special {	"	Mar. 9, "		
50 Reg. and	1877	Jan. 4, 1877	1	1
Special {	"	Mar. 6, "		
51 Reg. and	1879	Jan. 9, 1879	1	1
Special {	"	Mar. 11, "		
52 Reg. and	1881	Jan. 6, 1881	1	1
Special {	"	Mar. 8, "		
53 Reg.	1883	Jan. 4, 1883	1	1
54 Reg. and	1885	Jan. 8, 1885	1	1
Special {	"	Mar. 10, "		
55 Reg.	1887	Jan. 6, 1887	1	1
Total.....			62	60

Documentary Journals and Annual Reports.—These were formerly variously entitled "Documents," "Senate and House Documents," "Documentary Journals," etc. Since the 27th session, (1842-43), they have sometimes been labeled as "Documentary Journals," and sometimes as "Annual Reports." Documents and reports of the kind included in them were originally included in, and printed as part of, the House and Senate Journals. On December 16, 1835, a resolution was adopted by the House of Representatives ordering the public printer to print one thousand copies of the Journals of the House and three hundred copies of public documents in separate volumes, and "that in this volume of documents shall be printed all reports made to this House in pursuance of any law or resolution of this House, in the order they are presented," etc. House Journal, 20th session (1835-36), p. 62-3. A further

resolution was adopted, ordering the printing of three hundred copies of all reports *and other papers* ordered to be printed for the use of the House, and that the same should be bound with, and constitute part of, the journals of reports and documents before provided for. *Id.*, p. 72. At the same session a resolution was adopted, directing the Secretary of State to index the journals and documents. *Id.*, p. 142. This seems to have been the beginning of the binding of such reports and documents in separate volumes. No law in regard to them was enacted until 1839, when an act was passed directing what documents should go into the "Documentary Journals," that they should be continuously paged and indexed, and how arranged, bound, etc. The act also provided that "no document or report directed by this act, or may be directed by either branch of the General Assembly, to be placed in the Documentary Journal, shall be journalized in the journal of the Senate or of the House." Laws, 1839, p. 46.

Until the adoption of the Constitution of 1851, providing for biennial sessions of the General Assembly, the Documentary Journals were printed yearly, and contained only the documents and reports submitted to the General Assembly or to one of its branches. By the Revised Statutes of 1852 (vol. 1, p. 436), the Secretary of State was required to prepare and deliver to the State Printer "a properly digested index * * * of the Documentary Journals," etc.

The public printing act of April 13, 1885 (1885, p. 215), provides for the annual publication of 1,600 copies of the Documentary Journals, but does not specify what reports or other documents shall be included in them.

Many of the Documentary Journals and Annual Reports are put together very carelessly, not being continuously paged and indexed as originally provided, the documents

in several of them not being bound in numerical order, or not numbered at all, several of the volumes being wrongly numbered or labeled, and in other ways very imperfectly gotten up.

For many years the volumes have been made up by binding together the documents contained in them with the original paging thereof, and without any indexes, but they have usually contained tables of contents. They are not regularly numbered, and are cited by the number of the session or year.

The following is a complete descriptive catalogue of the Documentary Journals and Annual Reports, beginning with the first volume (1835-6), to the volumes for 1888 inclusive, indicating also whether the reports contained in them were submitted to the Governor or to the General Assembly, and, if to the latter, at what session:

1835-6. 20TH SESSION. DEC. 7, 1835.—Title on back, "Reports of 1835-6." No title page.

Volume as printed contains no index nor table of contents, and is not continuously paged. Contains reports submitted to Twentieth General Assembly. A few of the documents are marked "Senate," but most of them "H. R." 1 vol.

1836-7. 21ST SESSION. DEC. 5, 1836.—Title on back, "Documents of 1836-7." No title page.

Volume as printed contains no index nor table of contents, and is not continuously paged. Contains reports, all marked "H. R.," submitted to Twenty-first General Assembly. 1 vol.

1837-8. 22D SESSION. DEC. 4, 1837.—Title on back, "Documents, 1837-8."

Title page, "Documents of the House of Representatives at the Twenty-second Session of the General Assembly of the State of Indiana, begun and held in the Town of Indianapolis, December 4, 1837." Volume as printed contains no index nor table of contents, and is not continuously paged. Contains reports and documents submitted to Twenty-second General Assembly, all marked "H. R.," except the last, which is a "report of a Geological Reconnoissance," etc., addressed "To the Honorable the Legislature of Indiana." 1 vol.

1838-9. 23D SESSION. DEC. 3, 1838.—Title on back, "Documents, 1838-9." No title page.

Continuously paged, with index. Contains Governor's message and documents, continuously numbered, marked "Doc. No. —, House of Representatives," submitted to Twenty-third General Assembly. 1 vol. 1839-40. 24TH SESSION. DEC. 2, 1839.—Title on back, "Sen. & House Documents, 1839-40."

In two parts, bound in one volume. Part 1st entitled, "Documents of the Senate of Indiana, Twenty-fourth Session." Part 2d entitled, "Reports made to the House of Representatives at the Twenty-fourth Session," etc. Each part continuously paged, with separate index. 1 vol. 1840-41. 25TH SESSION. DEC. 7, 1840.—Title on back, "House and Senate Documents, 1840-41."

In two parts, bound in one volume, without title pages, but each part is continuously paged, and has separate table of contents. Contains documents and reports submitted to Twenty-fifth General Assembly. 1 vol.

1841-2. 26TH SESSION. DEC. 6, 1841. Title on back, "Senate and House Documents, 1841-2."

In two parts, bound in one volume. Title page of part 1st, "Documents of the Senate at Twenty-sixth Session," etc. Title page of part 2d, "Documents of the House of Representatives," etc. Each part is continuously paged, and has separate table of contents. The documents are also continuously numbered. 1 vol.

1842-3. 27TH SESSION. DEC. 5, 1842.—Title on back, "Senate and House Documents, 1842-3."

In two parts, bound in one volume. Part 1st entitled, "Documents of the Senate at the Twenty-seventh Session," etc. Part 2d entitled, "Documents of the House of Representatives," etc. Each part is continuously paged and has table of separate contents. 1 vol.

1843-4. 28TH SESSION. DEC. 4, 1843.—Title on back, "Documentary Journal, 1843-4."

In two parts, bound in one volume. Part 1st entitled, "Documents of the House of Representatives at the Twenty-eighth Session," etc. Part 2d entitled, "Documents of the Senate," etc. Each part is continuously paged and has separate table of contents. 1 vol.

1844-5. 29TH SESSION. DEC. 2, 1844.—Title on back, "Documentary Journal, 1844-45."

In two parts, numbered "Part First" and "Part Second," bound in one volume, each entitled "Documents of the Twenty-ninth Session," etc. Each part is continuously paged and has separate table of contents. 1 vol.

1845-6. 30TH SESSION. DEC. 1, 1845.—Title on back, "Documentary Journal, 1845-46."

In two parts, numbered "Part First" and "Part Second," bound in one

volume, each entitled "Documents of the General Assembly of the State of Indiana at the Twenty-Ninth (*thirtieth*) Session," etc. Each part is continuously paged and has separate table of contents. 1 vol.

1846-7. 31ST SESSION. DEC. 7, 1846.—Title on back, "Documentary Journal, 1846-47."

In two parts, numbered "Part First" and "Part Second," bound in one volume, each entitled "Documents of the General Assembly of Indiana at the Thirtieth (*thirty-first*) Session," etc. Each part is continuously paged and has separate table of contents. 1 vol.

1847-8. 32D SESSION. DEC. 6 1847.—Title on back, "Documentary Journal, 1847-48."

In two parts, numbered "Part First" and "Part Second," bound in one volume, each entitled "Documents of the General Assembly of Indiana at the Thirty-First (*thirty-second*) Session, commencing December 3, (6) 1847." Each part is continuously paged and has separate table of contents. vol. 1.

1848-9. 33D SESSION. DEC. 4, 1848.—Title on back, "Documentary Journal, Indiana, 1848."

In two parts, numbered "Part First" and "Part Second," bound in one volume, each entitled "Documents of the General Assembly of Indiana at the Thirty-Third Session," etc. Each part is continuously paged and has separate table of contents. 1 vol.

1849-50. 34TH SESSION. DEC. 3, 1849. Title on back, "Documentary Journal, 1849-50."

In two parts, bound in one volume. Each part is continuously paged. "Part 1" is entitled "Documents of the General Assembly of Indiana at the Thirty-Third (*thirty-fourth*) Session." "Part First" and has table of contents. "Part Second" is not numbered, has no title page nor table of contents. 1 vol.

1850-1. 35TH SESSION. DEC. 30, 1850.—Title on back, "Documentary Journal, 1850-1."

In two parts, numbered "Part First" and "Part Second," bound in one volume, each entitled "Documents of the General Assembly of Indiana at the Thirty-fifth Session," etc. Each part is continuously paged and has separate table of contents. 1 vol.

1851-2. 36TH SESSION. DEC. 1, 1851.—Title on back, "Documentary Journal, 1851-2."

In two parts, numbered "Part First" and "Part Second," bound in one volume, each entitled "Documents of the General Assembly of Indiana at the Thirty-sixth Session," etc. The documents in Part First before page 73 are not continuously paged. Part Second is continuously paged. Each part has separate table of contents. 1 vol.

1852-3. 37TH SESSION. JAN. 6, 1853.—Title on back, "Documentary Journal, 1852-53."

In two parts, numbered "Part First" and "Part Second," bound in one volume, each entitled "Documents of the General Assembly of Indiana at the Thirty-seventh Session," etc. Each part is continuously paged and has separate index.

1853. GOVERNOR.—Title on back, "Documentary Journal, Indiana, 1854." No title page.

Is not continuously paged, and, as printed, has no index nor table of contents. Contains reports submitted to Governor for year 1853. 1 vol.

1854-5. 38TH SESSION. JAN. 4, 1855.—Title on back, "Documentary Journal, Session 1855."

In two parts, numbered "Part First," and "Part Second," bound in one volume, continuously paged and indexed. Each part is entitled, "Documents of the General Assembly of Indiana at the Thirty-eighth Session," etc. 1 vol.

1855. GOVERNOR.—Title on back, "Documentary Journal, 1855-6."

In two parts, numbered "Part First" and "Part Second," bound in one volume. Each part is entitled, "Reports of the Officers of the State of Indiana to the Governor, required by law to be made to him in the absence of the General Assembly for the year ending Nov. (Oct.) 31, 1855." Each part is continuously paged and has separate index. 1 vol.

1856-7. 39TH SESSION. JAN. 8, 1857.

In two parts, bound separately. Part First entitled on the back, "Documentary Journal, Part 1, 1857;" Part Second entitled on back, "Documentary Journal, Part 2, 1857." Title page of each, "Documents of the General Assembly of Indiana at the Thirty-ninth Session," etc. Each part is continuously paged and indexed. 2 vols.

1857. GOVERNOR.—Title on back, "Documentary Journal, 1857."

In two parts, numbered "Part First" and "Part Second," bound in one volume, each entitled, "Reports of the Officers of State of the State of Indiana, to the Governor, for Year 1857." Each part is continuously paged and has separate index. 1 vol.

1858-9. 40TH SESSION. JAN. 6, 1859.—Title on back, "Documentary Journal, 1858-9."

In two parts, numbered "Part 1" and "Part 2," bound in one volume, each entitled "Documents of the General Assembly of Indiana, at the Fortieth Session," etc. Each part is continuously paged and has separate index. 1 vol.

1859. GOVERNOR.—Title on back, "Documentary Journal, 1859-60."

In two parts, numbered "Part First" and "Part Second," bound in one volume, each entitled, "Reports of the Officers of the State of Indi-

ana, to the Governor, for the years 1859 and 1860." Contains reports for 1859, but none for 1860. Each part is continuously paged and has separate index. 1 vol.

1860-1. 41ST SESSION. JAN. 10, 1861.—Title on back, "Documentary Journal, 1861."

In two parts, numbered "Part 1" and "Part 2," bound in one volume, each entitled, "Documents of the General Assembly of Indiana at the Forty-first Session," etc. Each part is continuously paged and has separate index. 1 vol.

1861. GOVERNOR AND SPECIAL SESSION. APRIL 24, 1861.—Title on back, "Documentary Journal. To the Governor, 1861."

Title page, "Reports of the Officers of the State of Indiana, to the Governor, for the Years 1860 and 1861." Contains, also, messages of Governor Morton to the General Assembly at its extra session, April 24, 1861. Continuously paged and indexed. 1 vol.

1862-3. 42D SESSION. JAN. 8, 1863.—Part 1. Title on back, "Documentary Journal, 1862."

Title page, "Documents of the General Assembly of Indiana at the Forty-third (*Forty-second*) Session, begun on the tenth (*eighth*) day of January, 1863." Continuously paged and indexed. There is an error in paging (see p. 160). The index omits report of State Librarian on page 145. 1 vol.

1862-3. CONTINUED. Part 5, vol. 1.—Title on back, "Documentary Journal, Part 2, vol. 1, 1863."

Title page, "Documents of the General Assembly of Indiana, at the Forty-second Regular Session," etc. Continuously paged and indexed. 1 vol.

1862-3. CONTINUED. Part 2, vol. 2.—Title on back, "Documentary Journal, Part 2, vol. 2, 1863."

Title page, "Documents of the General Assembly of Indiana at the Forty-second Regular Session," etc. This volume is continuously paged, beginning with page 899, in continuation of paging of vol. 1, the last page of which is 898; has index. 1 vol.

1862-3. CONTINUED. Part 2, vol. 3.—Title on back, "Documentary Journal, Part 2, vol. 3, 1863."

Title page, "Documents of the General Assembly of Indiana at the Forty-second Regular Session," etc. This volume is continuously paged, beginning with page 1,335, in continuation of paging of vol. 2, the last page of which is 1,334; contains only the report of Indiana Arsenal. 1 vol.

1863. GOVERNOR.—Title on back, "Documentary Journal, 1863."

Title page, "Reports of the Officers of State of the State of Indiana

to the Governor, for the year 1863." Is continuously paged and indexed. 1 vol.

1864-5. 43D SESSION. JAN. 5, 1865. Part 1.—Title on back, "Documentary Journal, 1864."

Title page, "Documents and Annual Reports of Officers and Public Institutions of the State of Indiana to the Legislature, for the year 1864." Continuously paged and indexed. The index is entitled, "Index, Part 1, vol. 1." 1 vol.

1864-5. CONTINUED. Part 2.—Title on back, "Documentary Journal, Part 2, 1865."

Title page, "Documents of the General Assembly of Indiana at the forty-third regular session, begun on the 5th day of January, A. D. 1865, Part 2." Continuously paged, with table of contents. There is an error in paging after page 200. 1 vol.

1865-6. GOVERNOR. SPECIAL SESSION. NOV. 13, 1865. 44TH SESSION. JAN. 10, 1867. Title on back, "Documentary Journal, Part 1, 1866."

Title page, "Documents of the General Assembly of Indiana at the forty-third regular session, begun on the 5th of January, A. D. 1865." Is continuously paged, and has table of contents referring to documents by number, but not by pages. It contains no documents submitted to the *forty-third* session, but contains reports of State officers to the Governor for the year 1865, the message of Gov. Morton to special session, begun November 13, 1865; and also fourteenth annual (third biennial), report of Superintendent of Public Instruction, dated December 31, 1866, for years ending August 31, 1865, and August 31, 1866, submitted to *forty-fourth* (designated in next volume as forty-fifth) regular session, and which should have been bound in next volume (1866-7). 1 vol.

1866-7. 45TH SESSION. JAN. 10, 1867.—Title on back, "Documentary Journal, Part 1, 1867."

Title page, "Documents of the General Assembly of Indiana at the forty-fifth regular session, begun on the 10th day of January, A. D. 1867." Is not continuously paged. Has table of contents referring to documents by numbers. The documents are designated as belonging to "Part II." The session was, in fact, the *forty-fourth* session, but the error in numbering is continued in subsequent volumes. 1 vol.

1867-8. GOVERNOR. 46TH SESSION. JAN. 7, 1869.—Title on back, "Documentary Journal, Part 1, 1867-68."

Title page, "Documentary Journal of the General Assembly of the State of Indiana. Part 1, for 1867-1868. It is not continuously paged after page 280, and, as printed, has no index nor table of contents. It contains some reports of State officers to Governor for year 1867; also the following, which were probably submitted to the Forty-sixth regular ses-

sion, beginning January 7, 1869, and which should have been bound as "Part 1," for 1868-9, viz.:

Document No. 7, pt. 1, Twentieth Annual Report Hospital for Insane, for the year 1868.

Document No. 8, pt. 1, Annual Report of State Prison South, for 1868.

Document No. 9, pt. 1, Annual Report Trustee Wabash and Erie Canal for 1867-68.

Sixteenth Annual (fourth biennial) Report of Superintendent of Public Instruction, for 1867-1868.

All the documents in the volume are designated as belonging to "Part 1," but are not bound in numerical order; two have same number, and one has no number 1 vol.

1868-9. 46TH SESSION. JAN. 7, 1869. SPECIAL SESSION. APRIL 8, 1869.—Title on back, "Documentary Journal, 1869."

Title page, "Documentary Journal of the General Assembly of the State of Indiana. Part II for 1869." It is not continuously paged, and as printed has no index nor table of contents. Contains report of State officers for 1868, submitted to Forty-sixth Session, begun January 7, 1869; also, a committee report submitted to Special Session, begun April 8, 1869, and a collection of school laws and opinions, issued by the Superintendent of Public Instruction, dated June 1, 1869. Some of the documents are designated as belonging to "Part I," one to "Part II," and some are not designated as belonging to either, and have no number. It seems that the documents in this and preceding volume were designed to be bound in parts, designated as Part I and Part II, for 1868-9, but have been improperly arranged. 1 vol.

1869. GOVERNOR.—Title on back, "Annual Reports, Indiana, 1868." No title page.

Not continuously paged, and as printed has no index nor table of contents. Contains reports of State officers to Governor for year 1869. 1 vol.

1870-1. 47TH SESSION. JAN. 5, 1871.

In two volumes, respectively entitled on the back, "Documentary Journal," "Vol. 1," "Vol. 2," "1870-1." Title page of each volume, "Documentary Journal of the General Assembly of the State of Indiana." Neither volume is continuously paged, and neither as printed has any index or table of contents. They contain documents and reports submitted to Forty-seventh Session, begun January 5, 1871. 2 vols.

1871. GOVERNOR.—Title on back, "Documentary Journal, 1871."

Title page, "Documentary Journal of the General Assembly of the State of Indiana for 1871." Not continuously paged, and as printed has no index nor table of contents. It contains no documents nor reports submitted to the General Assembly, but only reports of State officers to

Governor for year 1871. These are bound up indiscriminately without regard to numerical order. They are all designated as belonging to "Part I." There does not seem to be any "Part II."

1872-3. 48TH SESSION. JAN. 9, 1873. SPECIAL SESSION. Nov. 13, 1872.—Title on back, "Documentary Journal, 1872-73." No title page.

Not continuously paged. As printed, has no index nor table of contents. Contains reports and documents to Governor and Forty-eighth Session; also, message of Governor Baker to Special Session begun November 13, 1872. 1 vol.

1873. GOVERNOR.—Title on back, "Annual Reports of Indiana, 1873."

Title page, "Annual Reports of the Officers of State of the State of Indiana, and of the Trustees and Superintendents of the several Benevolent, Reformatory and Educational Institutions thereof, required by law to be made to the Governor, for the year ending December 31, 1873." Not continuously paged, and has no index, but the preface indicates the contents. 1 vol.

1874-5. 49TH SESSION. JAN. 7, 1875.

In two volumes, entitled on back, "Documentary Journal, Indiana." "Part I, 1874-5." "Part II, 1874-5." Title page of each volume, "Legislative Documents, Including Message of the Governor and the Annual Reports of 1874 Transmitted therewith to the General Assembly of the State of Indiana in Forty-ninth Regular Session, begun January 7, 1875." Neither volume is continuously paged, but each has a separate index referring to documents by numbers. 2 vols.

1875. GOVERNOR. Title on back, "Annual Reports, Indiana, 1875."

Title page similar to that of 1873. Contains reports of State Officers to Governor for 1875. Not continuously paged, and has no index, but preface indicates contents. 1 vol.

1876-7. 50TH SESSION. JAN. 4, 1877.

In two volumes, entitled on back, "Documentary Journal, Indiana." "Part I, 1876-7." "Part II, 1876-7." Title page of each, "Annual Reports of 1876 submitted to the General Assembly of the State of Indiana in Fiftieth Regular Session," etc. Neither volume is continuously paged, but each has index referring to documents by numbers. 2 vols.

1877. GOVERNOR. Title on back, "Annual Reports Indiana, 1877."

Title page similar to that of 1873. Is not continuously paged. No index, but preface indicates contents. 1 vol.

1878-9. 51ST SESSION. JAN. 9, 1879.—In two volumes, entitled on back, "Documentary Journal, Indiana," "Part I, 1878-9;" "Part II, 1878-9."

Title page of each volume, "Annual Reports of 1878 Submitted to the General Assembly of the State of Indiana in Fifty-first Regular Session,"

etc. Not continuously paged. Each volume has index referring to documents by numbers. 2 vols.

The volumes subsequent to 1878-9 to 1888, inclusive, contain annual and biennial reports for each year. They are not continuously paged, but each has index referring to documents by numbers. They are all entitled on back, "Annual Reports of Indiana," except volumes for 1886 and 1888, which are entitled "Documentary Journal."

1879. GOVERNOR.—Parts 1 and 2. 2 vols.

1880. 52D SESSION. JAN 6, 1881.—Parts 1 and 2. 2 vols.

1881. GOVERNOR.—Part 1, no Part 2. 1 vol.

1882. 53D SESSION. JAN. 4, 1883.—1 vol.

1883. GOVERNOR.—1 vol.

1884. Contains reports "Required by law to be made to the Governor," for the year ending October 31, 1884, but were those by him submitted to the Fifty-fourth Session, January 8, 1885. 1 vol.

1885. GOVERNOR.—Erroneously marked as "1886." 1 vol.

1886. Contains reports "Required by law to be made to the Governors," for year ending October 31, 1885, but were those by him submitted to Fifty-fifth Session, January 6, 1887. 1 vol.

1887. GOVERNOR.—1 vol.

1888. 56TH SESSION. JAN. 10, 1889.—Parts 1 and 2. 2 vols.

Brevier Legislative Reports.—These are condensed reports of the debates and proceedings of the General Assembly of the State of Indiana. They are variously entitled upon the backs of them, but upon the title pages are designated as "Brevier Legislative Reports," except volume 1, which is entitled "The Legislative Sentinel." They were begun in 1858 by W. H. and A. E. Drapier, and continued by W. H. Drapier. None of the volumes were published by authority of the State, but they are of a semi-official character from the fact that the reporters were, during all, or most of the time, the official stenographers of the General Assembly, and contracts were made with them from time to time by the House and Senate for the purchase of some of the volumes.

The following is a complete list of these reports :

VOL.	SESSION.	YEAR.	VOLS.
1.....	Special.....	1858.....	1
2.....	Regular.....	1859.....	1
3*			
4.....	Regular.....	1861.....	1
5.....	Special.....	1861.....	1
6.....	Regular.....	1863.....	1
7.....	Regular.....	1865.....	1
8.....	Special.....	1865.....	1
9.....	Regular.....	1867.....	1
10.....	Regular.....	1869.....	1
11.....	Special.....	1869.....	1
12.....	Regular.....	1871.....	1
13.....	Special.....	1872.....	1
14.....	Regular.....	1873.....	1
15†			
16‡			
17 {	{ Regular }		
18 {	{ and }	1879.....	1
19 {	{ Special }		
20 {	{ Regular }		
21 {	{ and }	1881.....	1
22 {	{ Special }		
23 {	{ Regular }	1883.....	1
24 {	{ and }	1885.....	1
25 {	{ Special }		
26 {	{ Regular }	1887.....	1

* Is said by Mr. Drapier, the reporter, to have been printed, but never published nor bound, and to contain only some 14 or 15 pages.

† Was never published. It was intended to include regular and special sessions of 1875.

‡ Was never published. It was intended to include regular and special sessions of 1877.

LAWS—*Session Laws.*—As the sessions under the Constitution of 1816 usually began in December, the greater part of the laws of the session would not be enacted until the January following, and so the laws are usually designated as of the year following the date of the commencement of the session. Thus the laws adopted at the first session, begun in November, 1816, are cited as “Laws 1817.”

Before the adoption of the Constitution of 1851, which greatly curtailed special legislation, there were many

laws of private or local character. Those of 1818, 1824 and 1831 were bound separately, and were designated as "Special Acts." Those for the 20th session (1835-6) and for subsequent years, to and including those for the 36th session (1851-2), were also bound separately, and were designated as "Local Laws," except those for the 36th session, which were designated as "Special and Local Acts." The classification of the general and special laws was not very accurate, and many laws of a general character are to be found bound in the special and local laws.

Besides the general and special laws there were several militia laws bound in separate volumes, as were those of 1824 and 1831. In the special acts of 1818, p. 117, it was expressly provided "That nothing herein contained shall be so construed as to authorize the public printers to print an act passed at the present session, entitled 'An act to regulate the militia.'" But in a table of "*Errata* of the act regulating the militia," contained in the laws of 1819, p. 151, it appears that the act referred to was printed, but by what authority does not appear.

After 1851 the special and local laws and the militia laws were not bound separately from the general laws.

The laws passed at the various special sessions held since the adoption of the Constitution of 1851 are bound separately except those for the years, 1875, 1877, 1879, 1881 and 1885, which are bound in the volumes containing the laws of the regular sessions of those years, the volumes for 1879, 1881 and 1885 being continuously paged.

The 44th session, by a misprint, is designated in the laws of that year as the 45th, and the error in numbering has been continued in the laws of the subsequent sessions.

The following is a complete list of the session laws, showing, also, how they are designated :

NO. OF SESSION.	HOW DESIGNATED.
1.....	Laws 1817
2.....	" 1818
".....	Special Acts "
3.....	Laws 1819
4.....	" 1820
5.....	" 1821
6.....	" 1822
7.....	" 1823
8.....	Militia " 1824
".....	Special Acts "
9.....	Laws 1825
10.....	" 1826
11.....	" 1827
12.....	" 1828
13.....	" 1829
14.....	" 1830
15.....	Militia " 1831
".....	Special Acts "
16.....	Laws 1832
17.....	" 1833
18.....	" 1834
19.....	" 1835
".....	Local " "
20.....	" 1836
".....	Local " "
21.....	" 1837
".....	Local " "
22.....	Laws included in R. S. 1838
23.....	Laws 1839
".....	Local " "
24.....	" 1840
".....	Local " "
25.....	" 1841
".....	Local " "
26.....	" 1842
".....	Local " "
27.....	" 1843
".....	Local " "
28.....	" 1844
".....	Local " "
29.....	" 1845
".....	Local " "
30.....	" 1846
".....	Local " "
31.....	" 1847
".....	Local " "
32.....	" 1848
".....	Local " "

NO. OF SESSION.	HOW DESIGNATED.
33.....	" 1849
".....	Local " "
34.....	" 1850
".....	Local " "
35.....	" 1851
".....	Local " "
36 Reg.....	Special and Local Acts 1852
37 ".....	Laws 1853
38 ".....	" 1855
39 ".....	" 1857
Called, Nov. 20, 1858.....	Laws Special Session 1858
40 Reg.....	Laws 1859
41 ".....	Laws Regular Session 1861
Special, April 24, 1861.....	" Special " "
42 Reg.....	Laws 1863
43 ".....	Laws Regular Session 1865
Called, Nov. 13, 1865.....	" Special " "
45 Reg.....	Laws 1867
46 ".....	Laws Regular Session 1869
Special, April 8, 1869.....	" Special " "
47 Reg.....	Laws 1871
Special, Nov. 13, 1872.....	Laws Special Session 1872
48 Reg.....	Laws 1873
49 ".....	Laws Regular Session 1875
Special, March 9, 1875.....	" Special " "
50 Reg.....	Laws Regular Session 1877
Special, March 6, 1877.....	" Special " "
51 Reg.....	} Bound in 1 vol.....Laws. 1879
Special, March 11, 1879.....	
52 Reg.....	} Bound in 1 vol....." 1881
Special, March 8, 1881.....	
53 Reg.....	" 1883
54 Reg.....	} Bound in 1 vol....." 1885
Special, March 10, 1885.....	
55 Reg.....	" 1887
56 ".....	" 1889

Revisions.—The laws of 1818 are sometimes improperly called the "Revision of 1818." They contain only the acts passed at the second session and a reprint of a portion of those passed at the first session.

1824. This is entitled, "The Revised Laws of Indiana, adopted and enacted by the General Assembly at their eighth session, etc. Arranged and published by authority of the General Assembly." Corydon, Ind. 1824. 1 vol.

1831. Entitled, "The Revised Laws of Indiana, in which are comprised all such acts of a general nature as are in force in said State ;

adopted and enacted by the General Assembly at their fifteenth session, etc. Arranged and published by authority of the General Assembly." Indianapolis. 1831. 1 vol.

1838. Entitled, "The Revised Statutes of the State of Indiana, adopted and enacted by the General Assembly at their twenty-second session, etc. Arranged, compiled and published by authority of the General Assembly." Indianapolis. 1838. 1 vol.

The revisers are not named in the revisions of 1824, 1831 and 1838.

1843. Entitled, "The Revised Statutes of the State of Indiana, passed at the twenty-seventh session of the General Assembly, etc. Printed and published according to law." The revisers were Sam. Bigger and Geo. H. Dunn. Indianapolis. 1843. 1 vol.

1852. Entitled, "The Revised Statutes of the State of Indiana, passed at the thirty-sixth session of the General Assembly, etc. Printed and published according to law." James S. Hester prepared the annotations and superintended the arrangement and printing. An edition in the German language was also printed by authority of the State. Indianapolis. 1852. 2 vols.

1881. Entitled, "By authority of the General Assembly. The Revised Statutes of Indiana, etc. Collated and annotated by James S. Frazer, John H. Stotsenburg and David Turpie, commissioners." This revision, though authorized by the General Assembly to be made, was not formally adopted and approved by it. Chicago, Ill. 1881. 1 vol.

The following editions of the revisions and statutes were published as private compilations:

Gavin & Hord. Indianapolis.	1862.	2 vols.
Gavin & Hord. "	1863. (3d vol.)	1 vol.
Davis (Supp. to Gavin & Hord). Ind'ls.	1870.	1 vol.
Davis (2d ed.). Indianapolis.	1876.	2 vols.
Downey. (Supp. to 1881.) Cincinnati.	1883.	1 vol.
E. B. Myers & Co. This is a reprint of the official edition of the Revision of 1881 (evidently from the same plates), with subsequent laws, and with annotations.	Chicago, Illinois, 1888.	2 vols.
Elliott. (Supp. to 1881.) Indianapolis.	1889.	1 vol.

REPORTS OF STATE OFFICERS, ETC.—Since the organization of the State most of the State officers, boards, etc., have been required to make reports. Many of the offices and boards heretofore existing have been discontinued and new ones are created at nearly every session of the Legislature.

Prior to the Constitution of 1851, when there were annual sessions of the Legislature, most of these reports were required to be made directly to the Legislature, or to the Governor, to be by him submitted to the Legislature. Since the adoption of the Constitution of 1851 some of the reports have been required to be made to the Governor and some to the Legislature. Some are required to be made for a period ending with the end of a given year and some for a period ending with the end of the State fiscal year, which is October 31. Most of them, since 1877, end with the fiscal year.

Some of these reports were never printed at all. Some were printed as part of the House and Senate Journals. Some were printed in pamphlet form only, and of those so printed some have been bound in the Documentary Journals and Annual Reports. Those printed in pamphlet, and not so preserved, have, for the most part, entirely disappeared. Some of the reports never were included in the Documentary Journals and Annual Reports, but have been published and bound separately in substantial binding.

In the exercise of its visitorial power over corporations the General Assembly has frequently required reports to be made to it, or to the Governor, from various corporations, such as colleges and railroad companies, and many of these have been printed, and are contained in the House and Senate Journals, and in the Documentary Journals and Annual Reports. These are not included in

the following catalogue, which embraces only the reports of State officers and institutions.

During the period when the State was engaged in its extensive scheme of internal improvement, there were also many boards, commissioners, agents, etc., of works, some of which were of a local character, who were required to make reports to the General Assembly or to the Governor. Only such of these as are contained in the Documentary Journals and Annual Reports are included in the following catalogue.

No reference is made in the following catalogue to the volumes and pages of the House and Senate Journals. An index making such references would involve more labor and expense than would be profitable in a private compilation. But references are made by volume and page to the reports contained in the Documentary Journals and Annual Reports. Only the regular reports are so indexed, not those made in answer to calls by the General Assembly, or by one of its branches, for information upon some special subject.

No attempt has been made to cite all the statutes relating to the offices embraced in the catalogue. The statutes are cited only to show, in a general way, the nature of the office, its beginning and end, if it has ceased to exist, the character of the reports required, and to whom and when they are to be made.

Adjutant-General.—The office of Adjutant-General was created by the Constitution of 1816 (art. 7, sec. 7), and continued by the Constitution of 1851 (art. 12, sec. 2). The duties of the office were defined by act January 3, 1817 (1817, p. 179, sec. 10), and by the militia law of January 20, 1824, the latter law (sec. 65) requiring him to report to the Governor, as commander-in-chief, annually on December 1. The act of May 3, 1861 (Spl. Sess. 1861, p. 3), required him to report to the next General Assembly

in regard to appropriations made by that act. The act, April 13, 1885 (1885, p. 215), required him to make biennial reports. By section 32 of act March 8, 1889 (1889, p. 325), he was required to make annual reports to the Governor, within one month after October 31, of expenses, proceedings, etc., of the militia. Various reports are found in the House and Senate Journals, prior to the commencement of the Documentary Journals. There are included in the Documentary Journals and Annual Reports the following :

YEAR.	PERIOD EMBRACED.	DOC. J. AND A. R.
1844	— to Nov. 30, 1844	1844-5, P. 2, p. 43
1845	Annual for year 1845	1845-6, P. 2, p. 35
1846	1846	1846-7, P. 2, p. 5
1847	1847	1847-8, P. 2, p. 289
1848	1848	1848-9, P. 2, p. 299
1849		Omitted.
1850		"
1851		"
1852	Special, April 15, 1852	1851-2, P. 1, p. 353
1853	Omitted, but rules and regulations published,	1853, Doc. No. —
1854	No date.	1854-5, P. 2, p. 531
1855		Omitted.
1856	No date.	1856-7, P. 1, p. 393
1857-1860		Omitted.
1861-2	From April 15, 1861 to Dec. 31, 1862	1862-3, P. 2, vol. 1 p. 329
1863-4	From Jan. 1, 1863 to Nov. 12, 1864	1864-5, P. 2, p. 473
1865-9		Omitted.
1870	From April 1, to Dec. 31, 1870	1870-1, P. 2, Doc. No. —
1871-2	Two years ending Dec. 31, 1872	1872-3, Doc. No. —
1873	One year " " " 1873	1873, Doc. No. 6
1874	" " " " 1874	1874-5, P. 1, Doc. No. 3
1875		Omitted.
1876	" " " " 1876	1876-7, P. 1, Doc. No. 11
1877-8	Two years " " " 1878	1878-9, P. 1, Doc. No. 10
1879-80	" " " " 1880	1880, P. 1, Doc. No. 4

The following have been published and bound separately :

1865	(Nov. 12, 1864, to Nov. 13, 1865,) pamphlet, 1 vol.	
1866	(Nov. 13, 1865, to Jan. 26, 1867,) " 1 "	
1881-2	cloth, 1 "	
1883-4	" 1 "	
1885-6	" 1 "	
1887-8	" 1 "	

Besides the annual and biennial reports there is a "Report of the Adjutant General of the State of Indiana," in eight volumes, containing a military history of Indiana during the rebellion (1861-1865). It is an invaluable collection of historical facts and statistics and an enduring monument to the memory of the compiler, the late Adjutant General Wm. H. H. Terrell, Indianapolis, 1865-9. 8 vols.

Agent of State.—The office of Agent of State was created by section 68 of act January 28, 1842 (1842, p. 3). (See Internal improvement.) His duties were defined by that act and by the act January 31, 1842 (1842, p. 22), by which he was required to report his proceedings to the next General Assembly. By act June 17, 1852 (1 R. S. 1852, p. 97), the election of a "State Agent" by the General Assembly was provided for, and he was required to report biennially to that body. An act looking to the discontinuance of the office was passed December 21, 1865 (Spl. S. 1865, p. 48). By act December 13, 1872 (Spl. S. 1872, p. 27), the office was discontinued after February 10, 1873, and books, etc., transferred to Auditor of State, the officer before known as State Agent being succeeded by an agent appointed by, and serving during the pleasure of, the Governor, Secretary, Auditor and Treasurer of State.

The following regular reports are included in the Documentary Journals and Annual Reports :

YEAR.	Doc. J. AND A. R.
1842.....	1842-3, P. 1, p. 3.
1843.....	1843-4, P. 2, p. 1.
1844.....	1844-5, P. 1, p. 83.
1845.....	1845-6, P. 1, p. 97.
1846.....	1846-7, P. 1, p. 109.
1847.....	1847-8, P. 1, p. 103.
1848.....	1848-9, P. 1, p. 5.
1849.....	1849-50, P. 2, p. 149.
1850.....	1850-1, P. 2, p. 57.
1851.....	1851-2, P. 2, p. 1.
1852.....	1852-3, P. 2, p. 1.
1853.....	1853, Doc. No. —.
1854.....	1854-5, P. 1, p. 341. ¹
1855.....	1855, P. 1, p. 1.
1856.....	1856-7, P. 1, p. 3.
1857.....	1857, P. 1, p. 3.
1858.....	1858-9, P. 1, p. 197.
1859.....	1859, P. 1, p. 1.
1860.....	1860-1, P. 1, p. 309.
1861.....	1861, p. 41.
1862.....	1862-3, P. 2, v. 1, p. 177.
1863.....	1863, p. 33.
1864.....	1864-5, P. 1, p. 301.
1865-6.....	1866-7, Doc. No. 5.
1867-8.....	1868-9, Doc. No. 4.
1869-70.....	1870-1, P. 1, Doc. No. —.
1871-2.....	1872-3, Doc. No. —.

Agriculture, State Board.—By act February 14, 1851 (1851, p. 6), the "Indiana State Board of Agriculture" was incorporated and required to make annual reports to the General Assembly. It was continued by act February 17, 1852 (1 R. S. 1852, p. 98), and the board required to report also its annual receipts and expenditures. Volume 19 contains a general index of volumes 1 to 19, inclusive.

The following financial reports are included in the Documentary Journals and Annual Reports :

YEAR.	Doc. J. AND A. R.
1874.....	1874-5, P. 1, Doc. No. 12
1876.....	1876-7, P. 1, Doc. No. 15
1878.....	1878-9, P. 1, Doc. No. 12
1880.....	1880, P. 1, Doc. No. 10

None of the regular reports are included in the Documentary Journals and Annual Reports, but have been published separately, beginning with volume 1 for the year 1851, which is wrongly labeled "1852." The following is a complete list of them:

VOL.	YEAR.	VOL.	YEAR.
1	1851	16	(24 Ann.) 1874
2	1852	17	25 " 1875
3	1853	18	26 " 1876
4	1854-5	19	27 " 1877
5	1856	20	28 " 1878
6	1857	21	29 " 1879
7	1858	22	30 " 1880
8	1859-60	23	31 " 1881
9	1862-7	24	32 " 1882
10	1868	25	33 " 1883
11	1869	26	34 " 1884
12	1870	27	35 " 1885
13	1871	28	36 " 1886
14	1872	29	37 " 1887
15	(23 Ann.) 1873	30	38 " 1888

Attorney General.—The office of Attorney General was first established by act December 31, 1821 (1821, p. 72). Acts defining his duties, but not requiring any reports, were passed February 21, 1855 (1855, p. 16), and June 3, 1861 (Spl. Sess. 1861, p. 14). The act of March 10, 1873 (1873, p. 18), required him to give opinions in certain cases, and to keep a record thereof and an account of moneys collected, in a "substantially bound book," and to report to the Secretary of State annually on November 1, all fines and forfeitures, but no other report was required. The public printing act of 1885 requires biennial reports.

The following reports are included in the Documentary Journals and Annual Reports, those for the years 1873, 1874, 1883-4, 1885-6, containing official opinions of the Attorney General for those years.

YEAR.	Doc. J. AND A. R.
1873.....	1873, Doc. No. 4.
1874.....	1874-5, P. 1, Doc. No. 9.
1875.....	1875, Doc. No. 13.
1875-6.....	1876-7, P. 1, Doc. No. 8.
1877-8.....	Omitted.
1879-80.....	1880, P. 1, Doc. No. 4.
1881-2.....	Omitted.
1883-4.....	1884, Doc. No. 6.
1885-6.....	1886, Doc. No. 5.
1887-8.....	1888, Doc. No. 5.

The report for 1881-2, containing official opinions for those years, was published in pamphlet form.

Auditor of State.—The office of State Auditor was created by the Constitution of 1816 (art. 4, sec. 24), and was continued under the name of Auditor of State by Constitution of 1851 (art. 6, sec. 1). The act December 11, 1816 (1817, p. 143), defined the duties of the "Auditor of Public Accounts," and required him to make annual reports to the General Assembly during the first week of their session, and as often as required. The act, January 25, 1841 (1841, p. 124), required him to report annually to the Governor by November 1. By 1 R. S. 1852, p. 147, he was required to make biennial reports to the General Assembly, but the act February 3, 1853 (1853, p. 120), again required annual reports to the Governor on October 31. Since 1839, his reports are for years ending October 31. Those prior to the commencement of the Documentary Journals are contained in the House and Senate Journals. Abstracts of these are generally published at the end of the Session Laws. The following are included in the Documentary Journals and Annual Reports:

YEAR.	DOC. J. AND A. R.
1835.....	1835-6, Doc. No. —
1836.....	(Sen. J. 1836-7, p. 84). Omitted.
1837.....	1837-8, Doc. No. —
1838.....	1838-9, p. 172.
1839.....	Omitted.
1840.....	1840-1, P. 1, p. 29.
1841.....	1841-2, P. 2, p. 21.
1842.....	1842-3, P. 2, p. 41.
1843.....	1843-4, P. 1, p. 51.
1844.....	1844-5, P. 1, p. 1.
1845.....	1845-6, P. 1, p. 1.
1846.....	1846-7, P. 1, p. 1.
1847.....	1847-8, P. 1, p. 23.
1848.....	1848-9, P. 1, p. 117.
1849.....	1849-50, P. 1, p. 17.
1850.....	1850-1, P. 1, p. 1.
1851.....	1851-2, P. 1, p. 49.
1852.....	1852-3, P. 1, p. 49.
1853.....	1853, Doc. No. —
1854.....	1854-5, P. 1, p. 1.
1855.....	1855, P. 1, p. 265.
1856.....	1856-7, P. 1, p. 119.
1857.....	1857, P. 1, p. 109.
1858.....	1858-9, P. 1, p. 1.
1859.....	1859, P. 1, p. 65.
1860.....	1860-1, P. 1, p. 1.
1861.....	1861, p. 187.
1862.....	1862-3, P. 1, p. 257.
1863.....	1863, p. 101.
1864.....	1864-5, P. 1, p. 405.
1865.....	1865-6, p. 143.
1866.....	1866-7, Doc. No. 3.
1867.....	1867-8, p. 121.
1868.....	1868-9, Doc. No. 3.
1869.....	1869, Doc. No. —.
1870.....	1870-1 Doc. No. —.
1871.....	1871, Doc. No. 8.
1872.....	1872-3, Doc. No. —.
1873.....	1873, Doc. No. 2.
1874.....	1874-5, Doc. No. 7.
1875.....	1875, Doc. No. 2.
1876.....	1876-7, P. 1, Doc. No. 6.
1877.....	1877, Doc. No. 8.

YEAR.	DOC. J. AND A. R.
1878.....	1878-9, P. 1, Doc. No. 6.
1879.....	1879, P. 2, Doc. No. 2.
1880.....	1880, P. 1, Doc. No. 2.
1881.....	1881, Doc. No. 2.
1882.....	1882, Doc. No. 2.
1883.....	1883, Doc. No. 2.
1884.....	1884, Doc. No. 4.
1885.....	1885, Doc. No. 1.
1886.....	1886, Doc. No. 3.
1887.....	1887, Doc. No. 2.
1888.....	1888, P. 1, Doc. No. 4.

Bank, State.—The bank of Vincennes was made a “State Bank” by act January 1, 1817 (1817, p. 185), and required to make a statement of its condition and that of its branches, to the Governor, and General Assembly, “if required.” Reports are contained in the House and Senate Journals. There was trouble and litigation between the State and this bank, and an act establishing a “State Bank of Indiana” and branches was passed January 28, 1834 (1834, p. 12), providing that it should continue until January 1, 1859. The act provided that the president and four directors should be elected by the General Assembly, and that the board of directors should report annually to the General Assembly the condition of the bank and its branches. It also created a sinking fund. (See this title.) By act February 6, 1837, (1837, p. 3), one-half of the surplus revenue received from the United States pursuant to act of Congress, passed June 23, 1836, was to be applied to subscriptions by the State to the capital stock of the branches of the State bank. By act January 10, 1849 (1849, p. 18), it was provided that no more additional branches should be established under the act after the year 1851. The act of February 3, 1853 (1853, p. 120), required the board to report annually to the Governor on October 31.

By act March 3, 1855 (1855, p. 229), there was established a new institution, styled the "Bank of the State of Indiana," and branches, and the board of directors was required to report to the General Assembly at each session the condition of the bank and its branches. The act January 19, 1865 (Reg. Ses. 1865, p. 98), provided for winding up the branches.

The reports of the old State Bank of Indiana prior to the commencement of the Documentary Journals are contained in the House and Senate Journals. The following reports of the State Bank and of the Bank of the State are contained in the Documentary Journals and Annual Reports:

Reports of State Bank—

YEAR.	DOC. J. AND A. R.
1835.....	1835-6, Docs. Nos. —.
1836.....	1836-7, Doc. No. —.
1837.....	1837-8, Docs. Nos. —.
1838.....	1838-9, p. 56.
1839.....	1839-40, P. 2, pp. 79, 117.
1840.....	1840-1, P. 1, pp. 405, 413.
1841.....	1841-2, P. 1, p. 97.
1842.....	1842-3, P. 2, pp. 163, 299.
1843.....	1843-4, P. 1, pp. 275, 341.
1844.....	1844-5, P. 1, pp. 109, 163.
1845.....	1845-6, P. 1, pp. 107, 155.
1846.....	1846-7, P. 1, pp. 125, 263.
1847.....	1847-8, P. 1, pp. 159, 231.
1848.....	1848-9, P. 1, p. 261.
1849.....	1849-50, P. 1, p. 117.
1850.....	1850-1, P. 1, p. 273.
1851.....	1851-2, P. 1, p. 203.
1852.....	1852-3, P. 1, p. 229.
1853.....	1853, Doc. No. —.
1854.....	1854-5, P. 1, p. 429; P. 2, p. 791.
1855.....	1855, P. 1, p. 217.
1856.....	1856-7, P. 1, p. 261.
1857.....	1857, P. 2, p. 341.
1858.....	1858-9, P. 1, p. 365.

Bank of State—

YEAR.	Doc. J. AND A. R.
1856.....	1856-7, P. 1, p. 411.
1857.....	Omitted.
1858.....	1858-9, P. 1, p. 357.
1859.....	1859, P. 1, p. 347.
1860.....	1860-1, P. 2, p. 507.
1861.....	Omitted.
1862.....	1862-3, P. 1, p. 485.
1863.....	Omitted.
1864.....	1864-5, P. 2, p. 201.

Blind Institute.—By act January 19, 1846 (1846, p. 66), trustees were appointed to provide for maintenance and education of blind of this State in the institutions at Columbus, Ohio, and Louisville, Ky. The board made a report dated December, 1846 (Doc. J. 1846-7, P. 2, p. 25). A further report as to the Indiana blind in Ohio and Kentucky institutions was made December 11, 1847 (Doc. J. 1847-8, P. 2, p. 343). By act January 27, 1847 (1847, p. 41), provision was made for establishment at Indianapolis of an institution to be known as the "Indiana Institute for the Education of the Blind," and created a board of trustees which was required to report annually to the General Assembly. This provision was continued in act February 13, 1851 (1851, p. 140), but by 1 R. S. 1852, p. 161, the board was required to report to the Legislature biennially. By act February 3, 1853 (1853, p. 120), the board was required to report to the Governor annually, on October 31. This provision has not been changed by subsequent legislation. The following reports are contained in the Documentary Journals and Annual Reports, and are regularly numbered :

No.	YEAR.	Doc. J. AND. A. R.
1	1847.....	1847-8, P. 2, p. 89.
2	1848.....	1848-9, P. 2, p. 33.
3	1849.....	1849-50, P. 2, p. 1.
4	1850.....	1850-1, P. 2, p. 1.
5	1851.....	1851-2, P. 2, p. 231.
6	1852.....	1852-3, P. 2, p. 105.
7	1853.....	1853, Doc. No. —.
8	1854.....	1854-5, P. 2, p. 729.
9	1855.....	1855, P. 2, p. 161.
10	1856.....	1856-7, P. 2, p. 57.
11	1857.....	1857, P. 2, p. 1.
12	1858.....	1858-9, P. 2, p. 45.
13	1859.....	1859, P. 2, p. 49.
14	1860.....	1860-1, P. 2, p. 1.
15	1861.....	1861, p. 137.
16	1862.....	1862-3, P. 1, p. 169.
17	1863.....	1863, p. 1.
18	1864.....	1864-5, P. 1, p. 717.
19	1865.....	1865-6, p. 71.
20	1866.....	1866-7, Doc. No. 7.
21	1867.....	1867-8, p. 65.
22	1868.....	1868-9, Doc. No. 6.
23	1869.....	1869, Doc. No. —.
24	1870.....	1870-1, P. 1, Doc. No. —.
25	1871.....	1871, Doc. No. 2.
26	1872.....	1872-3, Doc. No. —.
27	1873.....	1873, Doc. No. 14.
28	1874.....	1874-5, P. 2, Doc. No. 8.
29	1875.....	1875, Doc. No. 10.
30	1876.....	1876-7, P. 2, Doc. No. 9.
31	1877.....	1877, Doc. No. 9.
32	1878.....	1878-9, P. 2, Doc. No. 8.
33	1879.....	1879, P. 1, Doc. No. 1.
34	1880.....	1880, P. 2, Doc. No. 8.
35	1881.....	1881, Doc. No. 11.
36	1882.....	1882, Doc. No. 9.
37	1883.....	1883, Doc. No. 10.
38	1884.....	1884, Doc. No. 12.
39	1885.....	1885, Doc. No. 6.
40	1886.....	1886, Doc. No. 11.
41	1887.....	1887, Doc. No. 5.
42	1888.....	1888, P. 2, Doc. No. 3.

Canal Fund Commissioners.—The Canal Fund and Canal Fund Commissioners were part of the legislation for the construction of the Wabash and Erie Canal. (See this title.) Additional duties were imposed upon the commissioners by the Internal Improvement Act. (See this title.) By act February 6, 1837 (1837, p. 66), it was provided that the Board of Canal Fund Commissioner should thereafter be designated as "Fund Commissioners of Indiana." (See this title.) The reports of the Canal Fund Commissioners are contained in the House and Senate Journals prior to the commencement of the Documentary Journals. There are contained in the latter the following :

YEAR.	Doc. J.
1835.....	1835-6, Doc. No. —.
1836.....	1836-7, Doc. No. —.

Centennial Commissioner.—Mr. E. T. Cox, State Geologist, was appointed by Governor Hendricks to represent Indiana at the Centennial Exhibition at Philadelphia in 1876. His report is contained in Doc. J. 1876-7, P. 1, Doc. No. 13.

Charities, Board of State.—A "Board of State Charities" was established by act February 28, 1889 (1889, p. 51), and required to make and print annual reports for use of Legislature. None have yet been printed.

Colonization Board.—A State Board of Colonization was established by 1 R. S. 1852, p. 222, but no report was required. Reports were made, however, some in response to legislative resolutions. The following reports are contained in the Documentary Journals :

DATE.		Doc. J.
February 21, 1852.	To H. R.....	1851-2, P. 2, p. 463.
January 29, 1853.	" S.	1852-3, P. 2, p. 393.
May 29, 1854.	" Gov.'.....	1853, Doc. No. —.
1855.	" H. R.....	1854-5, P. 2, p. 1047.
January 15, 1857.	" G. A.....	1856-7, P. 2, p. 329.
1859.	" "	1858-9, P. 2, p. 157.
December 30, 1860.	" "	1860-1, P. 2, p. 145.
March 8, 1864.	" "	1863, p. 489.

Commissary General.—The office of Commissary General was created by Constitution of 1851 (art. 12, sec. 2), and duties defined by acts May 31 and June 3, 1861 (Spl. Sess., 1861, pp. 85, 87), but no reports were required. One report, from May 29, 1861, to November 2, 1861, is contained in Doc. J. 1862-3, P. 2, v. 1, p. 801.

Custodian of Public Buildings.—The office of "Custodian of Public Buildings" was created by act of March 5, 1889 (1889, p. 114), requiring reports to Governor on the last days of March, June and September, and annually on December 31; also biennially to Legislature. No reports have yet been published.

Deaf and Dumb Institution.—A report in favor of establishing an institution for the education of deaf mutes was made to the House of Representatives January 31, 1838 (Doc. J. 138-9, p. 657). The act February 13, 1843 (1843, p. 75), provided for raising funds for the erection of a "Deaf and Dumb Asylum." The act January 15, 1844 (1844, p. 36), provided for establishment of a temporary asylum at Indianapolis, and created a board of "Trustees of Indiana Asylum for Educating the Deaf and Dumb," requiring them to report to next General Assembly. By act January 19, 1846 (1846, p. 19), the asylum was permanently located in Marion county and the trustees were required to report annually to the General Assembly. Bi-

ennial reports were required by 1 R. S. 1852, p. 243, §19, but act February 5, 1853 (1853, p. 120), required reports to be made annually to Governor on October 31. The provision as to reports has not been changed by subsequent legislation. By act March 6, 1879 (Reg. Sess. 1879, p. 4), the institution is called the "Institution for the Education of the Deaf and Dumb." The reports are all included in the Documentary Journals and Annual Reports and are regularly numbered.

NO.	YEAR.	DOC. J. AND A. R.
1	1844.....	1844-5, P. 1, p. 134.
2	1845.....	1845-6, P. 2, p. 85.
3	1846.....	1846-7, P. 2, p. 95.
4	1847.....	1847-8, P. 2, p. 5.
5	1848.....	1848-9, P. 1, p. 201.
6	1849.....	1849-50, P. 2, p. 35.
7	1850.....	1850-1, P. 2, p. 217.
8	1851.....	1851-2, P. 2, p. 163.
9	1852.....	1852-3, P. 2, p. 197.
10	1853.....	1853, Doc. No. —.
11	1854.....	1854-5, P. 2, p. 565.
12	1855.....	1855, P. 2, p. 1.
13	1856.....	1856-7, P. 2, p. 1.
14	1857.....	1857, P. 2, p. 47.
15	1858.....	1858-9, P. 2, p. 1.
16	1859.....	1859, P. 2, p. 1.
17	1860.....	1860-1, P. 2, p. 65.
18	1861.....	1861, p. 1.
19	1862.....	1862-3, P. 1, p. 409.
20	1863.....	1863, p. 277.
21	1864.....	1864-5, P. 1, p. 565.
22	1865.....	1865-6, p. 27.
23	1866.....	1866-7, Doc. No. 6.
24	1867.....	1867-8, p. 17.
25	1868.....	1868-9, Doc. No. 5.
26	1869.....	1869, Doc. No. —.
27	1870.....	1870-1, P. 1, Doc. No. —.
28	1871.....	1871, Doc. No. 3.
29	1872.....	1872-3, Doc. No. —.
30	1873.....	1873, Doc. No. 13.

No.	YEAR.	Doc. J. AND A. R.
31	1874.....	1874-5, P. 2, Doc. No. 7.
32	1875.....	1875, Doc. No. 9.
33	1876.....	1876-7, P. 2, Doc. No. 8.
34	1877.....	1877, Doc. No. 8.
35	1878.....	1878-9, P. 2, Doc. No. 7.
36	1879.....	1879, P. 1, Doc. No. 2.
37	1880.....	1880, P. 2, Doc. No. 9.
38	1881.....	1881, Doc. No. 10.
39	1882.....	1882, Doc. No. 8.
40	1883.....	1883, Doc. No. 9.
41	1884.....	1884, Doc. No. 11.
42	1885.....	1885, Doc. No. 5.
43	1886.....	1886, Doc. No. 10.
44	1887.....	1887, Doc. No. 6.
45	1888.....	1888, P. 2, Doc. No. 2.

Equalization Board.—A State Board of Equalization was created by section 15, act February 12, 1841 (1841, p. 3), but was abolished by act January 13, 1842 (1842, p. 126). Provision for a State Board was made by section 8, act May 28, 1852 (1 R. S. 1852, p. 273), and in several subsequent acts, but no report was required until the tax law of December 21, 1872 (Spl. Sess. 1872, p. 57), by the 284th section of which the Governor and other State officers named were constituted a "State Board of Equalization," and required to meet in the year 1873, and annually thereafter. Prior to this time, and after the act of December 21, 1858, State boards had met only once in every five years. The act also provided that a report of their proceedings should be published annually in pamphlet form (sec. 296). By sec. 133 of tax law, March 29, 1881 (1881, p. 611), the board was required to meet on third Monday in June each year, an annual report of its proceedings to be published (sec. 145). The reports from 1873 to 1888, inclusive, are contained in the annual reports of the Auditor of State, except the report for 1886, which seems to be published separately, and is found in Doc. J. 1886,

Doc. No. 4. The reports prior to 1873 are contained in the Documentary Journals and Annual Reports, as follows:

YEAR.	DOC. J. AND A. R.
1852.....	1852-3, P. 1, p. 193.
1859.....	1859, P. 1, p. 239.
1864.....	1864-5, P. 1, p. 424.
1869 (Auditor's Report).....	1869, Doc. No. —.

Feeble-Minded Youth.—The act March 15, 1879 (1879, p. 76), established an "Asylum for Feeble-Minded Children," to be located at the Soldiers' Orphans' Home, near Knightstown, abolished the office of trustees of the latter as a separate board, provided that one board of trustees should act for both, and required the board to report annually to the General Assembly, on October 31. Subsequent acts were passed, not changing provision as to reports. The act March 7, 1887 (1887, p. 46) established the institution as a separate one, to be located near Ft. Wayne, under the name of the "Indiana School for Feeble-Minded Youth," and required the board of trustees to make annual reports on October 31, and that they should be filed in the office of Secretary of State, and should be printed. The reports made by the board to the year 1886, inclusive, embrace the affairs of both the Asylum for Feeble-Minded Children and the Soldiers' Orphans' Home. They are regularly numbered and included in the Documentary Journals and Annual Reports.

NO.	YEAR.	DOC. J. AND A. R.
1.	1879.....	1879, P. 2, Doc. No. 10.
2.	1880.....	1880, P. 2, Doc. No. 10.
3.	1881.....	1881, Doc. No. 12.
4.	1882.....	1882, Doc. No. 10.
5.	1883.....	1883, Doc. No. 11.
6.	1884.....	1884, Doc. No. 13.
7.	1885.....	1885, Doc. No. 7.
8.	1886.....	1886, Doc. No. 12.
9.	1887.....	1887, Doc. No. 11.
10.	1888.....	1888, P. 2, Doc. No. 4.

Fisheries Commissioner.—The act March 26, 1881 (1881, p. 516), created the office of "Commissioner of Fisheries," and required him to report to the next General Assembly succeeding his appointment. None of the reports are included in the Documentary Journals and Annual Reports prior to the one for 1888. One by Calvin Fletcher, called the "First Annual," containing 103 pages, was published by the State in 1883 in pamphlet form. Another, by Enos B. Reed, was published in the Indianapolis *People*, January 22, 1887.

1888.....Doc. J. 1888, P. 1, Doc. No. 9.

Fund Commissioners.—This office was a continuation of that of Canal Fund Commissioners. (See this title.) Former laws were repealed, and *one* fund commissioner provided for by act February 13, 1841 (1841, p. 214), and he was required to make annual reports to the Treasurer of State and to Governor and General Assembly when required. The office was abolished by the act January 28, 1842, repealing the internal improvement act. (See this title.) The following reports are included in the Documentary Journals:

Year.	Doc. J.
1837.....	1837-8, (2 Docs.) Nos. —.
1838.....	1838-9, p. 516.
1839.....	1839-40, P. 1 (after p. 126).
1840.....	1840-1, P. 1, p. 202; P. 2, p. 53.
1841.....	1841-2, P. 1, p. 1.

Geology and Natural Resources.—By act February 6, 1837 (1837, p. 108), the Governor was authorized to appoint a "Geologist for the State of Indiana," to make a survey and report to the Legislature. The act was to expire with the year 1838, unless re-enacted by the next Legislature. It was not so re-enacted at the next ses-

sion, but a similar act was passed February 18, 1839 (1839, p. 54). Another geological survey was directed by act March 5, 1859 (1859, p. 112), to be made under the supervision of the State Board of Agriculture.

The act March 5, 1869 (Reg. Sess. 1869, p. 22), created a "Department of Geology and Natural Science," in connection with, and under the control of the State Board of Agriculture, and required the State Geologist to make annual reports to that board, but provided that 2500 copies of his report should be printed and bound separately.

By act March 29, 1879 (1879, p. 193), the departments of geology and statistics were combined under the name of the "Indiana Bureau of Statistics and Geology," and annual reports were required to be made to the Governor.

By act April 14, 1881 (1881, p. 523), a separate "Department of Geology and Natural History" was established, to be under the charge of the "State Geologist," who was required to make annual reports to the Governor.

By act February 26, 1889 (1889, p. 44), all former laws relating to this department were repealed, the offices of Mine Inspector and Oil Inspector abolished, and a new department created, styled the "Department of Geology and Natural Resources," consisting of four divisions:

1. Geology and Natural Sciences.
2. Mines and Mining.
3. Mineral Oils.
4. Natural Gas.

The head of the department was styled "Director," and he was authorized to appoint chiefs of divisions, to report to him, and he to report annually to the Governor, submitting also the reports of the chiefs of divisions, 8,000 copies of the reports to be printed.

Under the acts 1837 and 1839 David Dale Owen, the State Geologist, made two reports, one for year 1837 and

Governor—Messages, etc.—The messages, proclamations and inaugural addresses of the Governors are contained in the House and Senate Journals, and some of them in the Documentary Journals and Annual Reports.

Reprieves, Commutations and Pardons.—By the Constitution of 1851 (Art. 5, § 17), the Governor is required to report to the General Assembly at its next meeting each case of reprieve, commutation or pardon granted. There are contained in the Documentary Journals and Annual Reports the following reports of this kind:

YEARS.	DOC. J. AND A. R.
1853-4.....	1854-5, P. 1, p. 486.
1855-6.....	1856-7, P. 1, p. 312.
1857-8.....	1858-9, P. 2, p. 184.
1858-9.....	1860-1, P. 1, p. 373.
1861-2.....	1852-3, P. 2, v. 2, pp. 1017, 1033.
1863-4.....	1864-5, P. 2, p. 365.
1865-6.....	Omitted.
1867-8.....	"
1869-70.....	1870-1, P. 2, Doc. No. —.
1871-2.....	Omitted.
1873-4.....	1874-5, P. 1, Doc. No. 2.
1875-6.....	1876-7, P. 1, Doc. No. 4.
1877-8.....	1878-9, P. 1, Doc. No. 4.
1879-80.....	1880, P. 2, Doc. No. 1.
1881-2.....	1884, Doc. No. 1.
1883-4.....	" Doc. No. 2.
1885-6.....	1886, Doc. No. 1.
1887-8.....	1888, P. 1, Doc. No. 2.

Contingent Expenses, etc.—Appropriations have been made from time to time to the Governor for contingent and office expenses, for which he has been sometimes required to report by the acts making the appropriations or by legislative resolution. The following reports of this kind are contained in the Documentary Journals and Annual Reports:

DATE.	DOC. J. AND A. R.
January 20, 1863.....	1862-3, P. 2, v. 1, p. 33.
January 8, 1879.....	1878-9, P. 1, Doc. No. 2.
January 10, 1881.....	1880, P. 1, Doc. No. 6.

Health Board.—By section 3 of the act of March 29, 1879 (1879, p. 193), creating the department of Statistics and Geology, it was made the duty of the Chief of the Bureau to collect statistical information and details relating to "social and sanitary condition, vital statistics, marriages and deaths." In discharge of this duty the Chief of the Bureau of Statistics and Geology has included in his reports, vol. 1, p. 456, and vol. 2, p. 322, the first and second annual reports of the Indiana State Health Commission, which was not, however, as its name would imply, a State institution.

A "State Board of Health" was created by the act March 7, 1881 (1881, p. 37), which required reports to the Governor prior to November 15, of the proceedings for the year ending on the preceding October 31. The provision as to reports has not been changed by subsequent legislation. None of the reports are contained in the Documentary Journals and Annual Reports, but they have been published regularly in separate volumes from No. 1 (1882) to No. 7 (1888), in all, 7 vols.

Horticultural Society.—The act March 10, 1875 (Reg. Sess. 1875, p. 81), provided for the incorporation of a "State Horticultural Society," and the making of Annual Reports "to the Governor to be by him presented to the next General Assembly." The regular reports of this society begin, however, with the one for the year 1862, and most of the volumes prior to the act of 1875 were printed by the society at its own expense, although some of them purport to have been printed by the State Printer. By the public printing act of 1885, the reports are required

to be printed biennially, but they have, nevertheless, continued to be printed annually, up to and including the one for the year 1887. Financial reports of the society are contained in the following Documentary Journals and Annual Reports :

YEARS.	DOC. J. AND A. R.
1876.....	1876-7, P. 1, Doc. No. 16.
1878.....	1878-9, P. 1, Doc. No. 13.
1879.....	1879, P. 2, Doc. No. 7.
1880.....	1880, P. 1, Doc. No. 11.
1881.....	1881, Doc. No. 15.

The only regular reports contained in the Documentary Journals and Annual Reports are two :

10.....	1870-1, P. 2, Doc. No. —.
11.....	1871, Doc. No. 9 (last in vol.)

All the regular reports, from No. 1 (1862), to No. 27 (1887), in all 27 volumes, have been separately printed and bound.

No. 28 (for 1888) is bound with the Agricultural Report for 1888, beginning at page 534.

Indianapolis, Agent of State for.—By act January 6, 1821 (1821, p. 44), commissioners were appointed to lay off town, etc., for the “permanent seat of government,” the town to be “called and known by the name of Indianapolis.” The act also provided for election by General Assembly of an agent to attend to sale of lots, etc. By act January 15, 1844 (1844, p. 103), the books, etc., were transferred to the Auditor of State. See also 1 R. S. 1851, p. 150. Several reports made by this agent are contained in the House and Senate Journals. The following are included in the Documentary Journals :

Dec. 1, 1835.....	1835-6, Doc. No. —.
Dec. 29, 1840.....	1840-1, P. 1, p. 493.

Insane Hospitals.—The annual report of the Board of Trustees for 1852 (Doc. J. 1852-3, P. 2, p. 153), contains

a history of the original hospital and the prior legislation in relation to it.

A joint resolution was adopted February 13, 1843 (*Loc. L.* 1843, p. 188), requesting the Governor to communicate information with a view to establishing a "lunatic asylum." An act to raise funds for erecting such asylum was passed January 15, 1844 (1844, p. 50), and on January 13, 1845 (1845, p. 58), commissioners were appointed to select and purchase a site. The commissioners having selected a site near Indianapolis, they were authorized to erect buildings for an institution named the "Indiana Hospital for the Insane," and were required to report annually to the General Assembly. Act January 19, 1846 (1846, p. 116). The act February 15, 1848 (1848, p. 83), provided for election of commissioners, who were required to make annual reports to the General Assembly. By act February 3, 1853 (1853, p. 120), the commissioners were required to report annually on October 31 to the Governor. This provision as to reports has remained unchanged by subsequent legislation.

The act March 11, 1875 (*Reg. Sess.* 1875, p. 84), provided a Provisional Board of Commissioners to superintend erection of a new building, to be designated, when completed, the "Indiana Hospital for the Insane, Department for Women," the old buildings to be known thereafter as "Indiana Hospital for the Insane, Department for Men."

The act March 7, 1883 (1883, p. 164), provided for the construction of three additional hospitals and for the government of the same by boards of commissioners under the same general regulations governing the old hospital. By act March 1, 1889 (1889, p. 68), separate boards of trustees were provided for each of the additional hospitals, one of which is located near Logansport and known as

the "Northern Indiana Hospital for the Insane," one near Richmond, and one near Evansville, and were required to make biennial reports covering the two years ending October 31, and to submit the same to the Governor on or before December 1 preceding each regular session of the General Assembly.

The reports of the old hospital are all included in the Documentary Journals and Annual Reports, but are erroneously numbered.

Reports of Old Hospital :

YEAR.	No.	Doc. J. AND A. R.
1845	1.	.....1845-6, P. 2, p. 173.
1846	2	.....1846-7, P. 2, p. 53.
1847	3	.....1847-8, P. 2, p. 53.
1848	4	.....1848-9, P. 2, p. 1.
1849	5	.....1849-50, P. 2, p. 85.
1850	6	.....1850-1, P. 1, p. 233.
1851	... (7)	.....1851-2, P. 2, p. 115.
1852	... (8)	.....1852-3, P. 2, p. 153.
1853	... (9)	.....1853, Doc. No. —.
1854	... (10)	.....1854-5, P. 2, p. 653.
1855	... (11)	.....1855, P. 2, p. 41.
1856	... (12)	.....1856-7, P. 2, p. 85.
1857	... (13)	.....1857, P. 2, p. 105.
1858	... (14)	.....1858-9, P. 2, p. 77.
1859	11 (15)	.....1859, P. 2, p. 73.
1860	12 (16)	.....1860-1, P. 2, p. 25.
1861	... (17)	.....1861, p. 101.
1862	14 (18)	.....1862-3, P. 1, p. 217.
1863	15 (19)	.....1863, p. 317.
1864	16 (20)	.....1864-5, p. 369.
1865	17 (21)	.....1865-6, p. 111.
1866	18 (22)	.....1866-7, Doc. No. 2.
1867	19 (23)	.....1867-8, Doc. No. 7, p. 251.
1868	20 (24)" " "
1869	21 (25)	.....1869, Doc. No. —.
1870	22 (26)	.....1870-1, P. 2, Doc. No. —.
1871	23 (27)	.....1871, Doc. No. 4.
1872	24 (28)	.....1872-3, Doc. No. —
1873	25 (29)	.....1873, Doc. No. 12.

YEAR.	No.	Doc. J. AND A. R.
1874	26 (30).....	1874-5, P. 2, Doc. No. 6.
1875	27 (31).....	1875, Doc. No. 11.
1876	... (32).....	1876-7, P. 2, Doc. No. 6.
1877	... (33).....	1877, Doc. No. 10.
1878	30 (34).....	1878-9, P. 2, Doc. No. 5.
1879	31 (35).....	1879, P. 1, Doc. No. 3.
1880	32 (36).....	1880, P. 2, Doc. No. 6.
1881	33 (37).....	1881, Doc. No. 9.
1882	34 (38).....	1882, Doc. No. 7.
1883	35 (39).....	1883, Doc. No. 8.
1884	36 (40).....	1884, Doc. No. 10.
1885	37 (41).....	1885, Doc. No. 4.
1886	38 (42).....	1886, Doc. No. 9.
1887	39 (43).....	1887, Doc. No. 4.
1888	40 (44).....	1888, P. 2, Doc. No. 1.

Reports of Provisional Board, Department for Women.—

July 1, 1876.....	1875, Doc. No. 12.
Dec. 31, 1876.....	1876-7, P. 2, Doc. No. 7.
Oct. 31, 1878 (from March 20, 1875).....	1878-9, P. 2, Doc. No. 6.

Report of Superintendent of Construction, Department for Women.—

Dec., 1880 (for 1879-80).....	1880, P. 2, Doc. No. 7.
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Reports of Additional Hospitals.—A report by the Commissioners, in pamphlet form (126 pages), was made in 1886, but was not included in the Documentary Journal for that year. It covers a period from organization of board, April 11, 1883, to December 7, 1886.

Insurance Commission.—Pursuant to a concurrent resolution (Laws 1879, p. 261), a commission was constituted to codify the insurance laws and report a bill to the next General Assembly. The commission made a report to the next session, which is not contained in the House, Senate, or Documentary Journals of 1881, but which was printed in pamphlet form. The report covers 25 pages, and the accompanying bill 36 pages.

Insurance Commissioner.—Mr. John A. Finch was appointed by Gov. Hendricks as Special Commissioner in 1875, and also in 1876 to attend the National Convention of Insurance Commissioners held in those years. His report, dated January 1, 1877, is found in Documentary Journal 1876-7, P. 1, Doc. No. 14.

Internal Improvement; Board, etc.—One of the conditions of the congressional enabling act (April 19, 1816), for the organization of the State of Indiana out of the Indiana Territory was, that "5 per cent. of the net proceeds of the lands lying within said territory * * * shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, etc." This condition was accepted by the Constitutional Convention of 1816, and, in anticipation of the receipts of the 3 per cent. fund, the State early began the work of internal improvement.

In 1821 the sum of \$100,000, "of the fund commonly called the 3 per cent. fund," was appropriated for the construction of certain "State roads," therein named; various commissioners were appointed to supervise the works and the office of "Agent of the 3 per cent. fund" was created. (Laws 1882, p. 152.) In 1824 an appropriation out of the 3 per cent fund was made for the improvement of the navigation of the Wabash river. (Spl. Acts 1824, p. 82.) In 1828 the construction of the Wabash and Miami (afterwards called the Wabash and Erie) Canal, was authorized. Laws 1828, p. 10.) In 1829 further legislation was had respecting the State roads and the duties of the Agent of the 3 per cent. fund, who was required to report annually to the Legislature. (Laws 1829, p. 98.) In 1830 the New Albany and Vincennes Turnpike Road was incorporated and the State Treasurer authorized to subscribe

for 100 shares of stock for the State. (Laws 1830, p. 60.) In 1831 a commissioner was appointed for the construction of a portion of the Michigan road. (Spl. Acts 1831, p. 119.)

There was a prospect of getting some more money from the United States government, arising out of the anticipated division of the surplus revenue, which was afterwards made (1836), and various other acts were passed for the construction of canals, railroads, and other public works, and the creation of the offices of Canal Commissioners, etc., and finally, in 1836, by act January 27 (1836, p. 6), a vast general scheme of internal improvement was hatched. This act, commonly known as the "Internal Improvement Act," provides for the construction, or for surveys and estimates with a view to the construction of the following public works:

1. White Water Canal, and a connection between it and the Central Canal by canal, if practicable, if not, by railroad.
2. Central Canal.
3. An extension of the Wabash and Erie Canal from the mouth of the Tippecanoe River to Terre Haute, and thence to connect with the Central Canal.
4. A railroad from Madison, by way of Indianapolis, to Lafayette.
5. A McAdamized turnpike road from New Albany to Vincennes.
6. A railroad, if practicable, if not a McAdamized road, from Jeffersonville, by way of New Albany and Salem, to Crawfordsville.
7. The removal of obstructions to navigation of the Wabash River, between its mouth and Vincennes.
8. The Erie and Michigan Canal or Railroad.

The board was authorized to put under contract and construct that part of the Wabash and Erie Canal lying

between the Tippecanoe River and the Ohio line. Provision was also made for the issue of State bonds to aid in the construction of the Lawrenceburg and Indianapolis Railroad.

The act provided for the appointment of six persons, who, together with the three existing Canal Commissioners, were to constitute a "Board of Internal Improvement." The act also created a "fund for internal improvement," and imposed additional duties upon the Canal Fund Commissioners. The board was required to report annually to the Legislature, and, also, when required, to the Governor. By an amendatory act, passed February 6, 1837 (1837, p. 66), it was provided that the board of Canal Fund Commissioners (afterwards reduced to one commissioner) should be designated as the "Fund Commissioners of Indiana." Surveys were directed for the purpose of extending the Erie and Michigan Canal, and constructing the East Fork Canal (Laws, 1837, pp. 73, 74), and various other public works were begun or contemplated. In 1839, by act February 8 (1839, p. 3), the number of members of the Board of Internal Improvement was reduced to three, and the board was authorized to take charge of all the public works of the State. The act also created the office of "Chief Engineer" of the State.

The whole system soon broke down, and by act January 28, 1842 (1842, p. 3), the Board of Internal Improvement and the offices of Fund Commissioner and Chief Engineer were abolished (Sec. 65).

The repealing act provided for continuing the construction, by private corporations, of several of the works already begun, and for a commissioner to take charge of the Wabash and Erie Canal east of Lafayette (provision having before been made for the completion of the canal west of that place), and the Erie and Michigan Canal, and to perform all the duties in relation thereto before required of

the Board of Internal Improvement. State Agents were also appointed for the Madison and Indianapolis Railroad, the Whitewater Canal, and the New Albany and Vincennes road. The act (Sec. 68) also created the office of "Agent of the State," to whom was transferred the various duties before imposed upon the Fund Commissioner.

The State being now deeply in debt, in order to settle with its creditors and complete the Wabash and Erie Canal to Evansville, the acts of January 19, 1846 (1846, p. 3), and January 27, 1847 (1847, p. 3), were passed, the first of which, commonly known as the "Butler bill," providing for the funded debt of the State, a "Board of Trustees of the Wabash and Erie Canal," and its completion to Evansville.

The proposition of Charles Butler, Esq., the representative of the bondholders, upon which the Butler bill was based, and various messages, reports and other documents in relation thereto, will be found in the Documentary Journal of the 30th session (1845-6). In these documents, and in those contained in the Documentary Journals for subsequent years, particularly in the reports of the Auditor of State, will also be found much information as to the expenditures upon and receipts from the various public works and the final disposition of them by the State.

Many reports are found in the House, Senate and Documentary Journals made by the different Boards, Commissioners, Superintendents, Engineers, etc., appointed in pursuance of the acts above mentioned, and also divers reports made by them and by the Board of Internal Improvement, in response to resolutions of the House or Senate, or calls by the Governor. The regular annual reports of the Board of Internal Improvement were six in number, and were as follows:

DATE.	Doc. J.
Dec. 17, 1836.....	1836-7, Doc. No. —.
Dec. 15, 1837.....	1837-8, Doc. No. —.
Dec. 21, 1838.....	1838-9, p. 102.
———— 1839.....	1839-40, P. 1, p. 11.
Nov. 30, 1840.....	1840-1, P. 2, p. 3.
Dec. 6, 1841.....	1841-2, P. 1, p. 53.

Kankakee River Commissioners.—The “Board of Commissioners for the removal of the limestone ledge in the Kankakee river,” was created by act March 7, 1889 (1889, p. 291), requiring the board to report annually to the Governor. No reports have yet been published.

Librarian, State.—A State Library was established by act February 11, 1825 (1825, p. 47), and Secretary of State made *ex-officio* State Librarian and required to make annual reports to the General Assembly. The act of February 2, 1841 (1841, p. 114), provided for election of Librarian by Legislature. Various duties in addition to care of the State Library have been imposed upon the Librarian by different statutes. See Laws 1841, p. 114; Laws 1889, p. 58.

The provision for Annual Reports to the Legislature was retained until the sessions became biennial, when the Librarian was required to report to it biennially. 1 R. S. 1852, p. 348. This has continued to be the law. The reports of the Librarian prior to the commencement of the Documentary Journals are contained in House and Senate Journals and a few are contained in the latter which are omitted from the former, as noted below.

There are contained in the Documentary Journals and Annual Reports the following:

YEAR.	Doc. J. AND A. R.
1835.....	1835-6, Doc. No. —.
1836 (S. J. 1836-7, p. 28).....	Omitted.
1837.....	1837-8, Doc. No. —.
1838.....	1838-9, p. 27.
1839*.....	
1840.....	Omitted.
1841.....	1841-2, P. 2, p. 13.
1842 (S. J. 1841-2, p. 461).....	Omitted.
1843.....	"
1844 (S. J. 1844-5, p. 48).....	"
1845.....	1845-6, P. 2, p. 9.
1846.....	1846-7, P. 2, p. 143.
1847.....	1847-8, P. 2, p. 279.
1848.....	1848-9, P. 2, p. 303.
1849.....	1849-50, P. 2, p. 235.
1850.....	1850-1, P. 2, p. 269.
1851.....	1851-2, P. 2, p. 155.
1852.....	1852-3, P. 2, p. 381.
1853.....	Omitted.
1854.....	1854-5, P. 2, p. 955.
1855-6.....	1856-7, P. 2, p. 173.
1857 to 1860.....	Omitted.
1861-2.....	1862-3, P. 1, p. 145.
1863 to 1872.....	Omitted.
1873-4.....	1874-5, P. 1, Doc. No. 10.
1875-6.....	1876-7, P. 1, Doc. No. 9.
1877-8 (2 Annuals).....	1878-9, P. 1, Doc. No. 9.
1879-80 (2 Annuals).....	1880, P. 1, Doc. No. 16.

*Report made but not printed. See report of Philip Sweetzer of House Committee, contained in Doc. J. 1840-1, P. 1, p. 527.

The biennial reports for the following years have been omitted from the Documentary Journals and Annual Reports, but have been printed separately in pamphlet form :

1881-2.
1883-4.
1885-6.
1887-8.

Live Stock Sanitary Commission.—The "State Live Stock Sanitary Commission" was created by act March

9, 1889 (1889, p. 380), and commission required to make annual reports to the Governor, to be by him submitted to next regular or called session of the General Assembly. No reports have yet been published.

Loan Commissioners.—A "Board of Loan Commissioners" was created to meet the expenses incident to the rebellion by act May 13, 1861 (Spl. Sess. 1861, p. 16). The act required the board to make quarterly reports to the Auditor of State, but a report was also made to the Governor, reporting the proceedings of the commissioners from date of organization to date of report (January 9, 1863). The report is contained in Doc. J. 1862-3, P. 2, v. 2, p. 993.

Michigan Road Commissioner.—See Internal Improvement, etc. Several acts have been passed relating to the Michigan road and from time to time commissioners have been appointed whose duties related either to what were called the "Michigan road lands," or to the construction of the road or some part of it. See Spl. Acts 1831, p. 119; Loc. L. 1836, p. 348. By the last act it was provided that after February 20, 1837, the office of Commissioner of the Michigan Road should be abolished, but by subsequent acts it was continued for specified purposes for a few years after that time. By act January 15, 1844 (1844, p. 103), the books, etc., of the office were transferred to the Auditor of State. See, also, 1 R. S. 1852, p. 150.

The following reports of commissioners are contained in the Documentary Journals :

YEAR.	Doc. J.
1836.....	1836-7, Doc. No. —.
1837.....	1837-8, Doc. No. —.
1838.....	1838-9, p. 649.
1839.....	1839-40, p. 131.

Mine Inspector.—The act March 8, 1879 (1879, p. 19), created the office of "Mine Inspector," and required annual reports to the Governor. It was abolished by act February 26, 1889. See Geology, etc.

The following reports are contained in the Documentary Journals and Annual Reports ;

No.	YEAR.	DOC. J. AND A. R.
1	1879-80.....	1880, P. 1, Doc. No. 7.
2	1881.....	1881, Doc. No. 13.
	1882.....	Omitted.
3 (4)	1883.....	1883, Doc. No. 12.
4 (5)	1884.....	1884, Doc. No. 14.
6	1885.....	1885, Doc. No. 8.
7	1886.....	1886, Doc. No. 13.
9 (1 Bien.)	1887-8.....	1888, P. 1, Doc. No. 7.

New Albany and Vincennes Turnpike Road.—See Internal Improvement. The company for the construction of this road was incorporated by act January 29, 1830 (1830, p. 60), and the State Treasurer authorized to subscribe 100 shares for the State. It is one of the public works included in the Internal Improvement act. By act February 22, 1840 (Loc. L. 1840, p. 148), it was taken out of the control of the Board of Internal Improvement and put in charge of superintendents, who were required to make annual reports to the Board of Internal Improvement or Treasurer of State on or before October 1 in each year. A subsequent act required reports to Auditor of State (1845, p. 57).

The following reports are included in the Documentary Journals :

YEAR.	Doc. J.
1845.....	1845-6, P. 2, p. 77.
1846.....	1846-7, P. 2, p. 85.
1847.....	1847-8, P. 2, p. 323.
1848.....	1848-9, P. 2, p. 290.
1849.....	1849-50, P. 2, p. 231.
1850.....	1850-1, P. 1, p. 193.

Normal School.—The act December 20, 1865 (Spl. Sess. 1865, p. 140), authorized establishment of the "Indiana State Normal School," and required Board of Trustees to report biennially to Legislature, and to Governor on or before first Monday in January when Legislature is not in session. The public printing act of 1885 requires biennial reports only. There is some confusion in the numbering of the reports. In the one of 1875 the President states that it is the "sixth annual since its organization." After that, with two exceptions, the reports are regularly numbered.

The following are contained in the Documentary Journals and Annual Reports:

No.	YEAR.	Doc. J. AND A. R.
...	1870.....	1870-1, P. 2, Doc. No. —.
...	1871.....	Omitted.
...	1872.....	1872-3, Doc. No. —.
...	1873-4.....	1874-5, P. 2, Doc. No. 3.
6	1875.....	1875, Doc. No. 5.
7	1876.....	1876-7, P. 2, Doc. No. 3.
8	1877.....	1877, Doc. No. 5.
9	1878.....	1878-9, P. 2, Doc. No. 3.
(10)	1879.....	1879, P. 2, Doc. No. 9.
11	1880.....	1880, P. 1, Doc. No. 14.
12	1881.....	1881, Doc. No. 7.
13	1882.....	1882, Doc. No. 6.
14	1883.....	1883, Doc. No. 7.
15	1884.....	1884, Doc. No. 9.
16	1885.....	1885, Doc. No. 3.
(1 Bien.)	1886.....	1886, Doc. No. 8.
(2 ")	1887-8.....	1888, P. 1, Doc. No. 12.

Oil Inspector.—The office of "State Inspector of Oils" was created by act March 31, 1879 (1879, p. 162), requiring him to make annual reports to the Governor on second Monday in January. The office was abolished by act February 26, 1889 (1889, p. 44). See Geology, etc. The

following reports are contained in the Documentary Journals and Annual Reports :

YEAR.	DOC. J. AND A. R.
1880 (From June 6, 1879, to Dec. 31, 1880).....	1880, P. 1, Doc. No. 8.
1881 (From June 13, 1881, to Dec. 31, 1881).....	1881 Doc. No. 14.
1882.....	1882, Doc. No. 11.
1883.....	Omitted.
1884.....	1884, Doc. No. 15.
1885.....	1885, Doc. No. 9.
1886.....	1886, Doc. No. 14.
1887.....	Omitted.
1888.....	1888, P. 1, Doc. No. 8.

Prison South.—The Southern Prison at Jeffersonville was located by act January 9, 1821 (1821, p. 24), which created a "Board of Managers," provided for the appointment of an agent to superintend the prison, and required him to report annually to the General Assembly. The act February 17, 1838 (R. S. 1838, p. 572), authorized the Governor to appoint a Superintendent and a Visitor, who were to report respectively to the Secretary of State and to the Governor.

The erection of a new State prison at the same place was authorized by act January 31, 1842 (1842, p. 98). An act passed January 16, 1846 (Loc. L. 1846, p. 35), provided for election by Legislature of a Warden, he to report annually to the Legislature, and the appointment by the Governor of a Chaplain. By act May 27, 1852 (1 R. S. 1852, p. 391), it was provided that the officers should consist of the lessee, warden, chaplain and physician, the warden to report to the General Assembly at each session. By two acts passed March 3, 1855 (1855, pp. 195, 197), the government of the prison was vested in three Directors, they to elect the warden. The first act also provided for the appointment of a "Moral Instructor," and abolished the office of Visitor. The last act required the Directors

to report annually to the Governor in December. Former laws were repealed, and a general law passed February 5, 1857 (1857, p. 103), but provision as to Directors' reports remained unchanged.

After the act of 1859, providing for the Northern Prison, the old prison was known as the "Prison South."

Reports of Visitors, Superintendents, etc., of Old State Prison.—The separate reports of the Visitors, etc., of the Old State Prison, prior to the commencement of the Documentary Journals, are found in the House and Senate Journals. There are contained in the Documentary Journals the following :

YEAR.	Doc. J.
1838 (Supts.)	1838-9, p. 530.
1839 "	1839-40, P. 2, p. 154.
1840 (Visitor)	1839-40, P. 1, p. 135.
1841 (Supts.)	1841-2, P. 2, p. 503.
1842 (Visitor)	1842-3, P. 1, p. 79.
1843 (Vis. and Supt.)	1843-4, P. 1, p. 291.
1844 " "	1844-5, P. 2, pp. 51, 59.
1845 " "	1845-6, P. 2, pp. 19, 27, 279.
1846 (Visitor)	1846-7, P. 2, p. 135.
1848 "	1848-9, P. 2, p. 105.
1850 "	1850-1, P. 1, p. 209.
1854 (Vis. and Chaplain).....	1854-5, P. 1, pp. 509, 515.

Reports of Wardens, Directors, etc.—The reports of the Wardens, Directors, etc., begin with the one for 1846, and generally include reports of the chaplains and physicians. The numbering of the reports got into confusion, and was abandoned after 1864. From 1856 to 1876 the reports are for the years ending December 15; after that for years ending October 31. The following are contained in the Documentary Journals and Annual Reports :

Old State Prison--

No.	YEAR.	Doc. J. AND A. R.
1	1846.....	1846-7, P. 2, p. 37.
2	1847.....	1847-8, P. 2, p. 115.
3	1848.....	1848-9, P. 2, p. 69.
4	1849.....	1849-50, P. 2, p. 181.
5	1850.....	1850-1, P. 1, p. 159.
6	1851.....	1851-2, P. 2, p. 271.
7	1852.....	1852-3, P. 1, p. 273.
8	1853.....	1853, Doc. No. —.
8 (9)	1854.....	1854-5, P. 2, p. 969.
... (10)	1855.....	1855, P. 2, p. 201.
... (11)	1856.....	1856-7, P. 2, p. 205.
... (12)	1857.....	1857, P. 2, p. 221.
12 (13)	1858.....	1858-9, P. 2, p. 189.
13 (14)	1859.....	1859, P. 2, p. 113

Prison South—

No.	YEAR.	Doc. J. AND A. R.
14 (15)	1860.....	1860-1, P. 2, p. 245.
15 (16)	1861.....	1861, p. 519.
16 (17)	1862.....	1862-3, P. 2, v. 2, p. 933.
17 (18)	1863.....	1863, p. 349.
18 (19)	1864.....	1864-5, P. 1, p. 793.

YEAR.	Doc. J. AND A. R.
1865 to 1867.....	Omitted.
1868.....	1867-8, Doc. No. 8.
" Supplement.....	1868-9, Doc. No. —.
1869.....	1869, Doc. No. —.
1870.....	1870-1, P. 2, Doc. No. —.
1871.....	1871, Doc. No. 6.
1872.....	1872-3, Doc. No. —.
1873.....	1873, Doc. No. 8.
1874.....	1874-5, P. 2, Doc. No. 10.
1875.....	1875, Doc. No. 18.
1876.....	1876-7, P. 2, Doc. No. 14.
1877.....	1877, Doc. No. 15.
1878.....	1878-9, P. 2, Doc. No. 13.
1879.....	1879, P. 2, Doc. No. 13.
1880.....	1880, P. 2, Doc. No. 3.

YEAR.	Doc. J. AND A. R.
1881.....	1881, Doc. No. 18.
1882.....	1882, Doc. No. 14.
1883.....	1883, Doc. No. 15.
1884.....	1884, Doc. No. 18.
1885.....	1885, Doc. No. 12.
1886.....	1886, Doc. No. 17.
1887.....	1887, Doc. No. 8.
1888.....	1888, P. 2, Doc. No. 7.

Prison North.—The act March 5, 1859 (1859, p. 135), provided for erection of the Prison North, and made the laws in relation to Old State Prison applicable to the new one. The reports are for the years ending December 15 to 1876, inclusive; after that they are for years ending October 31. After 1864 they are not numbered. The following are contained in the Documentary Journals and Annual Reports:

No.	YEAR.	Doc. J. AND A. R.
1	1860.....	1860-1, P. 2, p. 439.
2	1861.....	1861, p. 399.
3	1862.....	1862-3, P. 2, v. 1, p. 49.
4	1863.....	1863, p. 401.
5	1864.....	1864-5, P. 1, p. 605.

YEAR.	Doc. J. AND A. R.
1865 to 1868.....	Omitted.
1869.....	1869, Doc. No. - -.
1870.....	1870-1, P. 2, Doc. No. —.
1871.....	1871, Doc. No. 5.
1872.....	1872-3, Doc. No. —.
1873.....	1873, Doc. No. 9.
1874.....	1874-5, P. 2, Doc. No. 11.
1875.....	1875, Doc. No. 17.
1876.....	1876-7, P. 2, Doc. No. 13.
1877.....	1877, Doc. No. 14.
1878.....	1878-9, P. 2, Doc. No. 12.
1879.....	1879, P. 2, Doc. No. 14.
1880.....	1880, P. 2, Doc. No. 2.

YEAR.	DOC. J. AND A. R.
1881.....	1881, Doc. No. 19.
1882.....	1882, Doc. No. 15.
1883.....	1883, Doc. No. 16.
1884.....	1884, Doc. No. 19.
1885.....	1885, Doc. No. 13.
1886.....	1886, Doc. No. 18.
1887.....	1887, Doc. No. 7.
1888.....	1888, P. 2, Doc. No. 8.

Public Instruction, Superintendent.—Reports in favor of appointing a superintendent of common schools were made to the House of Representatives at the sessions of 1838-9 (Doc. J. 1838-9, p. 587), and 1840-1 (Doc J. 1840-1, P. 1, p. 513). By R. S. 1843, p. 324, the office of "Superintendent of Common Schools" was created and the Treasurer of State was required to perform the duties as a part of the duties of his office, and to make annual reports to the General Assembly.

The Constitution of 1851 (art. 8, sec. 8) provided for the election of a "State Superintendent of Public Instruction," and various laws have since been enacted defining his duties. By 1 R. S. 1852, pp. 448-9, he was required to make annual reports to the General Assembly when in session, when not, to the Governor. By sections 127, 128, act March 11, 1861 (Reg. Sess. 1861, p. 68), he was required to make biennial reports to General Assembly when in regular session, and in years when not, to make brief reports in January to the Governor. The public printing act of 1885 provides for the publication of the biennial reports only.

The reports of the Treasurer of State as *ex-officio* Superintendent of Common Schools were regularly made and are included in the Documentary Journals, except the one for 1848. This was made to the House (House J. 1848-9, p. 47), but was not printed in either the House or Documentary Journal for that year.

The reports of the Superintendent of Public Instruction are contained in the Documentary Journals and Annual Reports except as indicated below. The 3d and subsequent biennial reports are for the years ending August 31.

Reports of Superintendent of Common Schools—

YEAR.	Doc. J.
1843.....	1843-4, P. 1, p. 325.
1844.....	1844-5, P. 1, p. 77.
1845.....	1845-6, P. 2, p. 101.
1846.....	1846-7, P. 2, p. 119.
1847.....	1847-8, P. 2, p. 349.
1848.....	Omitted.
1849.....	1849-50, P. 2, p. 243.
1850.....	1850-1, P. 1, p. 225.
1851.....	1851-2, P. 1, p. 1.

Reports of Superintendent of Public Instruction.—

No.	BIENNIAL.	YEAR.	Doc. J. AND A. R.
1	...	1852.....	1852-3, P. 2, p. 245.
2	...	1853.....	1853, Doc. No. —.
3	...	1854.....	1854-5, P. 2, p. 817.
4	...	1855.....	1855, P. 2, p. 233.
5	...	1856.....	1856-7, P. 1, p. 435.
6	...	1857.....	1857, P. 1, p. 293.
7	...	1858.....	1858-9, P. 2, p. 287.
8	...	1859.....	1859, P. 2, p. 193.
9	...	1860.....	1860-1, P. 2, p. 317.
10	...	1861.....	1862-3, P. 2, v. 1, p. 149
11	1	1861-2.....	1862-3, P. 1, p. 1,
12	...	1863.....	1863, p. 457.
13	2	1863-4.....	1864-5, P. 1, p. 29.
14	3	1865-6.....	1865-6, p. 281.
(15)	...	1867.....	1867-8, p. 243.
16	4	1867-8.....	1867-8, Doc. No. —.
(17)	...	1869.....	1869, Doc. No. —.
18	5	1869-70.....	1870-71, P. 1, Doc. No. —.
19	...	1871.....	Omitted.
20	6	1871-2.....	1872-3, Doc. No. —.

NO.	BIENNIAL.	YEAR.	DOC. J. AND A. R.
(21)	...	1873.....	1873, Doc. No. 5.
22	7	1873-4.....	1874-5, P. 2, Doc. No. 1.
23	...	1875.....	1875, Doc. No. 4.
24	8	1875-6.....	1876-7, P. 2, Doc. No. 1.
25	...	1877.....	1877, Doc. No. 4.
26	9	1877-8.....	1878-9, P. 2, Doc. No. 1.
27	...	1879.....	1879, P. 2, Doc. No. 4.
28	10	1879-80.....	Omitted.
29	...	1881.....	1881, Doc. No. 4.
30	11	1881-2.....	Omitted.
31	...	1883.....	1883, Doc. No. 4.

The following biennial reports, not contained in the Documentary Journals and Annual Reports, have been published separately:

NO.	BIENNIAL.	YEAR.
28	10	1879-80.
30	11	1881-2.
32	12	1883-4.
34	13	1885-6.
36	14	1887-8.

Purdue University.—By act March 6, 1865 (Reg. Sess. 1865, p. 106), the State accepted the provisions of the act of Congress, passed July 2, 1862, donating lands for agricultural and mechanical colleges, and created a board of "Trustees of the Indiana Agricultural College." A further act was passed, May 6, 1869 (Spl. Sess. 1869, p. 24), accepting donation made by John Purdue, locating the institution in Tippecanoe county, under the name of "Purdue University," and changing the name of old board of trustees of the Agricultural College to "Trustees of Purdue University." John Purdue was given visitorial powers, and authorized to report to General Assembly at any session thereof.

A history of the institution is given in the report of the secretary for 1874.

By the public printing act of 1885, the reports are to be published biennially, the catalogues annually. The numbering of the reports begins with the one for the year 1874, the institution not having been formally opened until September of that year. The following are contained in the Documentary Journals and Annual Reports :

No.	YEAR.	Doc. J. AND A. R.
...	1870.....	1870-1, P. 2, Doc. No. —.
(1)	1874.....	1874-5, P. 2, Doc. No. 4.
...	1875 (Treasurer's Report).....	1875, Doc. No. 7.
2	1875-6.....	1876-7, P. 2, Doc. No. 4.
(3)	1877.....	1877, Doc. No. 7.
4	1878.....	1878-9, P. 2, Doc. No. 4.
5	1879.....	1879, P. 2, Doc. No. 8.
6	1880.....	1880, P. 1, Doc. No. 15.
7	1881.....	1881, Doc. No. 6.
8	1882.....	1882, Doc. No. 5.
9	1883.....	1883, Doc. No. 6.
10	1884.....	1884, Doc. No. 8.
12 (1 B.)	1885-6.....	1886, Doc. No. 7.
14 (2 “)	1887-8.....	1888, P. 1, Doc. No. 11.

Quarter-Master General.—The office of Quarter-Master General was created by Constitution of 1816 (art. 7, sec. 7), and continued by Constitution of 1851 (art 12, sec. 2). His duties have been defined in the various militia laws. See also acts May 31 and June 3, 1861 (Spl. Sess. 1861, pp. 85, 87).

The following reports are contained in the Documentary Journals and Annual Reports :

YEAR.	Doc. J. AND A. R.
1844.....	1844-5, P. 2, p. 35.
1845.....	1845-6, P. 2, p. 43.
1846.....	1846-7, P. 2, p. 17.
1847.....	1847-8, P. 2, p. 319.
1848-1849.....	Omitted.
1850.....	1850-1, P. 2, p. 277.
1851-1857.....	Omitted.

YEAR.	DOC. J. AND A. R.
1858.....	1858-9, P. 2, p. 261.
1859-1860.....	Omitted.
1861 (April 29, 1861, to May 1, 1862).....	1862-3, P. 2, v. 1, p. 649.
1862 (May 30 to October 13, 1862).....	1862-3, P. 2, v. 1, p. 681.
1863.....	Omitted.
1864.....	1864-5, P. 2, p. 201.
1865-73.....	Omitted.
1874.....	1874-5, P. 1, Doc. No. 4.
1875.....	Omitted.
1876.....	1876-7, P. 1, Doc. No. 12.
1877-1878.....	1878-9, P. 1, Doc. No. 11.
1879-1880.....	1880, P. 1, Doc. No. 5.

Reform School for Boys.—Provision was made by Constitution of 1851 (art. 9, sec. 2) for a house of refuge for juvenile offenders, but no law was enacted until the act March 8, 1867 (1867, p. 137), which provided for establishment of the "House of Refuge for Juvenile Offenders," requiring the Board of Control to report to Governor annually on or before January 1. By act February 23, 1883 (1883, p. 19), the name was changed to "Indiana Reform School for Boys," and the government vested in a Board of Control, which was required to make annual reports to the Governor on October 31.

The reports are regularly numbered and after the year 1876 are for years ending October 31. They are all, except the 2d and 6th, contained in the Documentary Journals and Annual Reports.

Reports of House of Refuge—

No.	YEAR.	DOC. J. AND A. R.
1	1867.....	1867-8, Doc. No. 4.
(2)	1868.....	Omitted.
3	1869.....	1869, Doc. No. —.
(4)	1870.....	1870-1, P. 2, Doc. No. —.
5	1871.....	1871, Doc. No. 7.
(6)	1872.....	Omitted.
7	1873.....	1873, Doc. No. 11.

No	YEAR.	Doc. J. AND A. R.
8	1874.....	1874-5, P. 2, Doc. No. 12.
9	1875.....	1875, Doc. No. 16.
10	1876.....	1876-7, P. 2, Doc. No. 12.
11	1877.....	1877, Doc. No. 13.
12	1878.....	1878-9, P. 2, Doc. No. 11.
13	1879.....	1879, P. 2, Doc. No. 12.
14	1880.....	1880, P. 2, Doc. No. 5.
15	1881.....	1881, Doc. No. 17.
16	1882.....	1882, Doc. No. 13.

Reports of Reform School for Boys—

No.	YEAR.	Doc. J. AND A. R.
17	1883.....	1883, Doc. No. 14.
18	1884.....	1884, Doc. No. 17.
19	1885.....	1885, Doc. No. 11.
20	1886.....	1886, Doc. No. 16.
21	1887.....	1887, Doc. No. 9.
22	1888.....	1888, P. 2, Doc. No. 6.

Reform School for Girls, etc.—The “Indiana Reformatory Institution for Women and Girls” was established by act May 13, 1869 (Spl. Sess. 1869, p. 61), and government vested in a Board of Managers which was required to report annually to the Governor on or before January 1. The act also required Governor to appoint a Board of Visitors, to make at least two visitations a year, and report to him. By act March 9, 1889 (1889, p. 322), the name was changed to “Reform School for Girls and Women’s Prison.” The reports subsequent to 1876 are for years ending October 31. They are all contained in Document-ary Journals and Annual Reports, and are regularly numbered.

No.	Year.	Doc. J. AND A. R.
(1)	1870.....	1870-1, P. 2, Doc. No. —.
2	1871-2-3.....	1873, Doc. No. 10.
3	1874.....	1874-5, P. 2, Doc. No. 13.
4	1875.....	1875, Doc. No. 14.
5	1876.....	1876-7, P. 2, Doc. No. 11.
6	1877.....	1877, Doc. No. 11.
7	1878.....	1878-9, P. 2, Doc. No. 10.
8	1879.....	1879, P. 2, Doc. No. 11.
9	1880.....	1880, P. 2, Doc. No. 4.
10	1881.....	1881, Doc. No. 16.
11	1882.....	1882, Doc. No. 12.
12	1883.....	1883, Doc. No. 13.
13	1884.....	1884, Doc. No. 16.
14	1885.....	1885, Doc. No. 10.
15	1886.....	1886, Doc. No. 15.
16	1887.....	1887, Doc. No. 10.
17	1888.....	1888, P. 2, Doc. No. 5.

Secretary of State.—The office of Secretary of State was created by Constitution of 1816 (art. 4, sec. 21), and continued by Constitution of 1851 (art. 6, sec. 1). By Constitution of 1816 he was to make reports to either house of the General Assembly “when required.” The act January 25, 1841 (1841, p. 124), required him to make annual reports to the Governor by November 1. By act May 20, 1852 (1 R. S. 1852, p. 435), he was required to “report relative to the official acts and proceedings of the Governor to either house of the General Assembly “when required by such house,” and also to the Governor whenever required, upon any subject relating to the duties of his office.” The act February 3, 1853 (1853, p. 120), required him to report annually to the Governor on October 31. The public printing act of 1885 requires biennial reports. The reports are not numbered. Several are found in the House and Senate Journals. The following are contained in the Documentary Journals and Annual Reports :

YEAR.	Doc. J. AND A. R.
1835.....	1835-6, Doc. No. —.
1838.....	1838-9, p. 25.
1839.....	1839-40, P. 2, p. 77.
1840.....	1840-1, P. 1, p. 475.
1841.....	1841-2, P. 2, p. 2.
1842.....	1842-3, P. 2, p. 1.
1843.....	1843-4, P. 1, p. 9.
1844.....	1844-5, P. 1, p. 81.
1845.....	1845-6, P. 1, p. 81.
1846.....	1846-7, P. 1, p. 77.
1847.....	1847-8, P. 1, p. 151.
1848.....	1848-9, P. 1, p. 113.
1849.....	1849-50, P. 1, p. 77.
1850.....	1850-1, P. 1, p. 151.
1851.....	1851-2, P. 1, p. 194.
1852.....	Omitted.
1853.....	1853, Doc. No. —.
1854.....	1854-5, P. 2, p. 1157.
1855.....	1855, P. 1, p. 257.
1856.....	1856-7 P. 1, p. 395.
1857.....	1857, P. 2, p. 289.
1858-1859.....	Omitted.
1860.....	1860-1, P. 2, p. 497.
1861-1870.....	Omitted.
1871.....	1871, Doc. No. 10.
1872.....	Omitted.
1873.....	1873, Doc. No. 1.
1874.....	1874-5, P. 1, Doc. No. 6.
1875.....	1875, Doc. No. 1.
1876.....	1876-7, P. 1, Doc. No. 5.
1877.....	1877, Doc. No. 1.
1878.....	1878-9, P. 1, Doc. No. 5.
1879.....	1879, P. 2, Doc. No. 1.
1880.....	1880, P. 1, Doc. No. 1.
1881.....	1881, Doc. No. 1.
1882.....	1882, Doc. No. 1.
1883.....	1883, Doc. No. 1.
1884.....	1884, Doc. No. 3.
1885-6, 1 Bien.....	1886, Doc. No. 2.
1887-8, 2 ".....	1888, P. 1, Doc. No. 3.

Sinking Fund.—A history of this fund is found in the report of the Auditor of State for 1870, p. 75.

The act January 28, 1834 (1834, p. 12), establishing a State Bank, also created a Sinking Fund, and provided that the president and directors on the part of the State should constitute a Board of Commissioners of such fund, and required the board to make annual reports to the Legislature. (Secs. 113 to 121.) Various supplemental acts were afterwards passed.

The act March 1, 1859 (1859, p. 186), provided for distribution of fund, and that after that the office should cease. It was finally abolished from and after January 20, 1867, by act December 21, 1865 (Spl. Sess. 1865, p. 48), and books, etc., transferred to Auditor of State. See, also, act March 11, 1867, p. 21; *post*: State Debt Sinking Fund.

The reports prior to 1835 are contained in the House and Senate Journals. The following are contained in the Documentary Journals and Annual Reports:

YEAR.	DOC. J. AND A. R.
1835.....	1835-6, Doc. No. —.
1836.....	Omitted.
1837.....	1837-8, Doc. No. —.
1838.....	1838-9, p. 31.
1839.....	1839-40, P. 2, p. 239.
1840.....	1840-1, P. 1, p. 213.
1841.....	1841-2, P. 1, p. 85.
1842.....	1842-3, P. 1, p. 63.
1843.....	1843-4, P. 2, p. 27.
1844.....	1844-5, P. 1, p. 121.
1845.....	1845-6, P. 1, p. 119.
1846.....	1846-7, P. 1, p. 113.
1847.....	1847-8, P. 1, p. 169.
1848.....	1848-9, P. 1, p. 273.
1849.....	1849-50, P. 1, p. 125.
1850.....	Omitted.
1851.....	1851-2, P. 1, p. 215.
1852.....	1852-3, P. 1, p. 241.

YEAR.	DOC. J. AND A. R.
1853.....	1853, Doc. No. —.
1854.....	1854-5, P. 1, p. 547
1855.....	1855, P. 1, p. 249.
1856.....	1856-7, P. 1, p. 379.
1857.....	1857, P. 1, p. 285.
1858.....	Omitted.
1859.....	1859, P. 2, p. 185.
1860.....	1860-1, P. 2, p. 193.
1861.....	1861, p. 357.
1862.....	1862-3, P. 1, p. 445.
1863.....	1863, p. 269.
1864.....	1864-5, P. 2, p. 1.
1865.....	1865-6, p. 135.

Soldiers' and Sailors' Monument.—A "State Soldiers' and Sailors' Monument" was provided for by act March 3, 1887 (1887, p. 301), which created a Board of Commissioners to superintend the work. The act required the commissioners to report quarterly to the Governor, and the secretary to make annual reports to the Governor, to be by him transmitted to the Legislature. The following reports have been printed and separately bound:

1 Bien.....June 28, 1887, to Dec. 31, 1888.....1 vol

Soldiers' and Sailors' Orphan Asylum.—This institution, generally known and commonly designated in the reports as the "Soldiers' Orphans' Home," was established as the "Indiana Soldiers' and Seamen's Home" by act March 11, 1867 (1867, p. 190), which required the Board of Trustees to file a report annually on February 1 in office of Secretary of State. By act May 14, 1869 (Spl. Sess. 1869, p. 119), the trustees were required to report to General Assembly on October 31.

By the act March 15, 1879 (1879, p. 76), one board of trustees was created for this institution and that for Feeble Minded Children (see this title). After that time the re-

ports of the two were combined, until act February 15, 1887 (1887, p. 16), by which the institution was reorganized as a separate institution under the name of the "Indiana Soldiers' and Sailors' Orphan Asylum," and the Board of Trustees was required to make annual reports on October 31. The act required the reports to be filed in the office of the Secretary of State and to be printed.

The following are contained in the *Documentary Journals* and *Annual Reports*:

No.	YEAR.	Doc. J. AND A. R.
	March 30, 1869 (Supp. Rep.).....	1868-9, Doc. No. —.
4	... 1870.....	1870-1, P. 2, No. —.
5	... 1871.....	1871, Doc. No. 11.
6	... 1872.....	1872-3, Doc. No. —.
..	(7) 1873.....	1873, Doc. No. 15.
...	(8) 1874.....	1874-5, P. 2, Doc. No. 9.
...	(9) 1875.....	1875, Doc. No. 15.
9	(10) 1876.....	1876-7, P. 2, Doc. No. 10.
...	(11) 1877.....	1877, Doc. No. 12.
11	(12) 1878.....	1878-9, P. 2, Doc. No. 9.
9	(21) 1887.....	1887, Doc. No. —.

State Debt Sinking Fund.—By act June 18, 1852 (1 R. S. 1852, p. 408), provision was made for a "State Debt Sinking Fund," and the Auditor, Treasurer and Agent of State were constituted a "State Debt Sinking Fund Commission," and required to make annual reports to the General Assembly at each session. It seems that the matters relating to this fund are included in the separate reports of the various officers composing the commission, there being only one report of the commission in the *Documentary Journals* and *Annual Reports*. This is dated January 7, 1865, and is found in *Documentary Journal* 1864-5, P. 1, p. 709.

By act December 21, 1865 (Spl. Sess. 1865, p. 48), the State Debt Sinking Fund and the Sinking Fund proper were consolidated under the former name and put in

charge of the Auditor, Treasurer and Agent of State, subject to examination by legislative committees or by the Governor or any person appointed by him for that purpose, reports of examinations made by persons appointed by the Governor to be made to him and by him submitted to the Legislature, if in session, if not, to the next session.

Former acts authorizing assessment and collection of State Debt Sinking Fund taxes were repealed by act February 22, 1871 (1871, p. 6), and by act December 13, 1872 (Spl. Sess. 1872, p. 27), the fund was discontinued as a separate fund and merged in the general fund, and the commission abolished after February 1, 1873.

State House Commissioners.—Old State House.—Provision for the commencement of a State House at Indianapolis was made by act February 10, 1831 (Spl. Acts 1831, p. 153). By act February 2, 1832 (1832, p. 96), commissioners were appointed to superintend the erection of it, who were to report annually to the Legislature. The building was so far completed as to be occupied in winter of 1835.

Such of the reports of the commissioners as were printed are contained in the House and Senate Journals.

New State House.—By act March 14, 1877 (1877, p. 68), provision was made for construction of another State House, and a "Board of State House Commissioners" was created, which was required to report quarterly to the Governor. The public printing act of 1885 required the reports to be published annually.

The State House having been completed the board was abolished by act March 9, 1889 (1889, p. 284).

A full history of the proceedings of the board from the date of its organization is contained in the report of December 31, 1878, and in the final report.

Besides the regular reports the board also published a pamphlet, containing the proceedings, addresses, etc., entitled "Proceedings of the Laying of the Corner Stone of the New Capitol of Indiana, on the 28th day of September, 1880, at the City of Indianapolis," 36 pp. Indianapolis, 1880.

Some of the quarterly reports were not printed. The following is a complete list of such as were printed, all of them being in pamphlet form. Only those indicated below are contained in the Documentary Journals and Annual Reports:

No.	PERIOD.	DOC. J. AND A. R.
1	Quarter ending Oct. 1, 1877.	
3	" " March 31, 1878.	
4	" " June 30, 1878.	
5	" " Sept. 30, 1878.	
6	From date of organization to December 31, 1878.	1878-9, P. 1, Doc. No. 8.
7	Quarter ending March 31, 1879.	
8	" " June 30, 1879.	
9	" " Sept. 30, 1879.	
(10)	Year ending Dec. 31, 1879.	1879, P. 2, Doc. No. 5.
11	Quarter ending March 31, 1880.	
14	From January 1, 1879, to December 31, 1880.	1880, P. 1, Doc. No. 12.

The following are for years ending Dec. 31 :

18	1881.
22	1882.
26	1883.
30	1884.
34	1885.
38	1886.
42	1887.

- 46 Final report containing synopsis of proceedings from commencement, May 24, 1877, to completion of building, October 2, 1888.

Statistics Bureau.—This was established by act March 29, 1879 (1879, p. 193), creating a department to be known as the "Indiana Bureau of Statistics and Geology," requiring the chief of the department to make annual reports to the Governor. By act March 5, 1883 (1883, p. 104), it was made a separate department under name of "Indiana Bureau of Statistics." Biennial Reports were required by the public printing act of 1885, and also by act March 9, 1889 (1889, p. 335), requiring reports to be made to the Legislature.

Financial reports are contained in the Documentary Journals and Annual Reports.

YEAR.	DOC. J. AND A. R.
1879.....	1879, P. 2, Doc. No. 6.
1880.....	1880, P. 1, Doc. No. 9.

The regular reports are not included in the Documentary Journals and Annual Reports. They are for the following years :

NO.	YEAR.	NO.	YEAR.
1	1879	5	1883
2	1880	6	1884
3	1881	7 (1 Bien.)	1885-6
4	1882	8 (2 ")	1887-8

Swamp Land Records, Clerk of.—By joint resolution March 6, 1865 (Reg. Sess. 1865, p. 133), the Governor was authorized to appoint a suitable person to revise and correct the tract and sale books of the swamp lands. No reports were required, but the following are contained in the Documentary Journals and Annual Reports :

DATE.	DOC. J. AND A. R.
Dec. 18, 1874.....	1874-5, P. 1, Doc. No. 5.
Dec. 20, 1876.....	1876-7, P. 1, Doc. No. 10.

Three Per Cent. Fund, Agent of.—See Internal Improvement. The office was abolished and duties transferred to Treasurer of State by act January 26, 1835 (1835, p. 75). By act May 20, 1852 (1 R. S. 1852, p. 304), it was provided that the Treasurer of State should draw the Three Per Cent. Fund thereafter due and that he and the Auditor of State should include a statement thereof in their Annual Reports. What remained of the fund was ordered to be distributed to the counties by act April 8, 1881 (1881, p. 700). The reports are contained in the House and Senate Journals.

Treasurer of State.—The office of Treasurer of State was created by Constitution of 1816 (art. 4, sec. 24), and continued by Constitution of 1851 (art. 6, sec. 1). His duties were defined by act December 11, 1816 (1817, p. 143), which required him to report annually to the General Assembly during the first week of session. The act January 25, 1841 (1841, p. 124), required annual reports to the Governor by November 1. The act May 20, 1852 (1 R. S. 1852, p. 497), required biennial reports to the General Assembly, but the law was again changed so as to require annual reports to Governor on October 31, by act February 3, 1853 (1853, p. 120).

The reports prior to 1835 are contained in House and Senate Journals. The following are contained in the Documentary Journals and Annual Reports. They are not numbered:

YEAR.	DOC. J. AND A. R.
1835.....	1835-6, Doc. No. —.
1836.....	1836-7, Doc. No. —.
1837.....	1837-8, Doc. No. —.
1838.....	1838-9, P. 1, p. 35.
1839.....	1839-40, P. 2, p. 45.
1840.....	1840-1, P. 1, p. 69.
1841.....	1841-2, P. 2, p. 49.

YEAR.	DOC. J. AND A. R.
1842.....	1842-3, P. 2, p. 3.
1843.....	1843-4, P. 1, p. 11.
1844.....	1844-5, P. 1, p. 57.
1845.....	1845-6, P. 1, p. 65.
1846.....	1846-7, P. 1, p. 57.
1847.....	1847-8, P. 1, p. 1.
1848.....	1848-9, P. 1, p. 97.
1849.....	1849-50, P. 1, p. 5.
1850.....	1850-1, P. 1, p. 135.
1851.....	1851-2, P. 1, p. 33.
1852.....	1852-3, P. 1, p. 1.
1853.....	Omitted.
1854.....	1854-5, P. 1, p. 329.
1855.....	1855, P. 1, p. 441.
1856.....	1856-7, P. 1, p. 101.
1857.....	1857, P. 1, p. 101.
1858.....	Omitted.
1859.....	"
1860.....	1860-1, P. 1, p. 193.
1861-2.....	1862-3, P. 2, v. 1, p. 169.
1863.....	863, p. 465.
1864.....	1864-5, P. 1, p. 849.
1865.....	1865-6, p. 99.
1866.....	1866-7, Doc. No. 4.
1867.....	1867-8, Doc. No. 1.
1868.....	1868-9, Doc. No. 2.
1869.....	1869, Doc. No. —.
1870.....	1870-1, P. 1, Doc. No. —.
1871.....	1871 Doc. No. —.
1872.....	1872-3, Doc. No. —.
1873.....	873, Doc. No. 3.
1874.....	1874-5, P. 1, Doc. No. 8.
1875.....	1875, Doc. No. 3.
1876.....	1876-7, P. 1, Doc. No. 7.
1877.....	1877, Doc. No. 3.
1878.....	1878-9, P. 1, Doc. No. 7.
1879.....	1879, P. 2, Doc. No. 3.
1880.....	1880, P. 1, Doc. No. 3.
1881.....	1881, Doc. No. 3.

YEAR.	DOC. J. AND A. R.
1882.....	1882, Doc. No. 3.
1883.....	1883, Doc. No. 3.
1884.....	1884, Doc. No. 5.
1885.....	1885, Doc. No. 2.
1886.....	1886, Doc. No. 19.
1887.....	1887, Doc. No. 1.
1888.....	1888, P. 1, Doc. No. 6.

University, Indiana.—This institution was first incorporated as the "State Seminary," by act January 20, 1820 (1820, p. 82), and trustees were appointed to locate it at Bloomington, and report to next session. The act January 26, 1827 (1827, p. 99), created a Board of Visitors and required them to make annual reports to General Assembly. The Seminary was superseded by the "Indiana College," established by act January 24, 1828 (1828, p. 115), which created a Board of Trustees and Visitors, and required the treasurer to report annually to the Governor, to be by him submitted to the General Assembly, a statement of the receipts and expenditures. The act to establish "Indiana University," passed February 15, 1838 (Local L., 1838, p. 294), required treasurer to report annually to Governor a statement of receipts and expenditures, to be by him laid before the General Assembly. By act January 15, 1848 (1848, p. 47), the trustees were required to make annual reports to General Assembly. By act June 17, 1852 (1 R. S. 1852, p. 504), a "University Fund" was created, and the institution was "formally recognized as the University of the State," under the name of the "Indiana University," and a Board of Trustees was created, which was required to make annual reports to General Assembly, and also a Board of Visitors, which was required to report annually to the Governor.

Various laws have been enacted providing funds and making appropriations for the support of the University,

and a permanent endowment fund was provided by act March 3, 1883 (1883, p. 82).

By the public printing act of 1885, the reports are to be published biennially, the catalogues annually. The reports prior to 1835 are contained in the House and Senate Journals. The following are contained in the Documentary Journals and Annual Reports :

YEAR.	Doc. J. AND A. R.
1848.....	1848-9, P. 2, p. 274.
1849.....	1849-50, P. 2, p. 133.
1850.....	Omitted.
1851.....	1851-2, P. 1, p. 271.
" (Supplemental).....	" " p. 337.
1852.....	1852-3, P. 1, p. 309.
1853.....	Omitted.
1854.....	"
" (Supplemental).....	1854-5, P. 2, p. 777.
1855.....	Omitted.
1856.....	"
" (Supplemental).....	1856-7, P. 2, p. 345.
1857-1872.....	Omitted.
1873-4 (Financial).....	1874-5, P. 2, Doc. No. 2.
1875.....	1875, Doc. No. 6.
1876 (Financial).....	1876-7, P. 2, Doc. No. 2.
1877 (Financial).....	1877, Doc. No. 6.
1878.....	1878-9, P. 2, Doc. No. 2.
1879-80 (Financial).....	1880, P. 1, Doc. No. 13.
1881 ".....	1881, Doc. No. 5.
1882 ".....	1882, Doc. No. 4.
1883.....	1883, Doc. No. 5.
1884.....	1884, Doc. No. 7.
1885.....	Omitted.
1886 (Financial).....	1886, Doc. No. 6.
1887-8 ".....	1888, P. 1, Doc. No. 10.

Vienna Exposition Commissioner.—Pursuant to act March 4, 1873 (1873, p. 223), E. T. Cox, State Geologist, was appointed by Governor Hendricks a Commissioner to represent Indiana at the Vienna Exposition. His report

is contained in Indiana Geological Report for year 1873, p. 5. See also Doc. J. 1874-5, P. 1, Doc. No. 11.

Wabash and Erie Canal.—See Internal Improvement. An act for construction of "Wabash and Miami Canal," passed January 5, 1828 (1828, p. 10), accepting the grant of land for that purpose made by act of Congress March 2, 1827. It created a board of commissioners, which was required to report annually to the General Assembly. In subsequent acts the commissioners are sometimes referred to simply as the "Canal Commissioners," and they so designate themselves in some of their reports. By subsequent acts January 23, 1829 (1829, p. 13), January 28, 1830 (1830, p. 13), the name was changed to "Wabash and Erie Canal," and additional provisions made for its construction. By act January 9, 1832 (1832, p. 3), the fund provided was called the "Canal Fund," and a board of "Commissioners of the Canal Fund" was created, a separate and distinct board from the board of "Canal Commissioners," and required to report annually to the General Assembly. By the act January 31, 1833 (1833, p. 48), the duties of the Board of Canal Commissioners were further defined.

By the Internal Improvement act the construction of the canal was transferred to the Board of Internal Improvement, and when that board was abolished by the act of 1842, the canal was put in charge of commissioners. Afterwards, by the Butler bill, January 19, 1846 (1846, p. 3), the canal was transferred to a Board of Trustees, which was required to report annually to the General Assembly.

The reports in reference to the canal prior to 1835 are by the various commissioners, superintendents, etc., and are contained in the House and Senate Journals. From 1836 to 1842, the reports in reference to it are included in

the reports of the Board of Internal Improvement contained in the Documentary Journals. The reports of the Board of Trustees begin with the one for 1847, and are contained in the Documentary Journals and Annual Reports.

YEAR.	DOC. J. AND A. R.
1835.....	1835-6, Doc. No. —.
" Supplemental	" Doc. No. —.
1843 (Div. east of La Fayette).....	1843-4, P. 2, p. 19.
" (" west ").....	" " p. 35.
1844 (" west ").....	1844-5, P. 2, p. 13.
" (" east ").....	" " p. 69.
1845.....	1845-6, P. 2, p. 111.
1846.....	1846-7, P. 1, p. 134.
1847.....	1847-8, P. 2, p. 191.
" Superintendent.....	" " p. 329.
1848.....	1848-9, P. 2, p. 113.
1849.....	1849-50, P. 2, p. 251.
1850.....	1850-1, P. 2, p. 137.
1851.....	1851-2, P. 1, p. 223.
1852.....	1852-3, P. 2, p. 325.
1853.....	1853, Doc. No. —.
1854.....	1854-5, P. 2, p. 905.
1855.....	1855, P. 2, p. 105.
1856.....	1856-7, P. 2, p. 273.
1857.....	1857, P. 2, p. 169.
1858.....	1858-9, P. 1, p. 277.
1859.....	1859, P. 1, p. 289.
1860.....	1860-1, P. 1, p. 267.
1861.....	1861, p. 375.
1862.....	1862-3, P. 1, p. 453.
1863.....	1863, p. 473.
1864.....	1864-5, P. 2, p. 181.
1865-6.....	Omitted.
1867-8.....	1867-8, Doc. No. 9.
1869-70.....	1870-1, P. 2, Doc. No. —.
1871.....	1871, Doc. No. 12.
1872.....	Omitted.*
1873.....	1873, Doc. No. 16.
1874 (Styled 28th Annual).....	1874-5, P. 2, Doc. No. 14.

* See Report of Ways and Means Committee, 1872-3, Doc. No. —.

The report for 1874 contains a statement of the total receipts and disbursements from July 1, 1847, to December 1, 1874.

Wabash River.—See Internal Improvement Board. By act January 22, 1822 (1822, p. 46), commissioners were appointed to investigate relative to improvement of the Wabash river at the grand rapids and report to the Governor and he to General Assembly. By act January 31, 1824 (Spl. Acts 1824, p. 82), a portion of the Three Per Cent. Fund was set apart for improving the navigation of the river and a commissioner appointed and required to report annually to the General Assembly. By act February 2, 1832 (1832, p. 275), the fund was directed to be paid over to the Wabash and Erie Canal Fund Commissioners.

A further act for the improvement of the navigation of the river was passed February 1, 1834 (1834, p. 346), and the commissioners required to report annually. Subsequently the Board of Internal Improvement took charge of the matter. The following reports, made under the act last cited, are in the Documentary Journals :

YEAR.	DOC. J. AND A. R.
1835.....	1835-6, Doc. No. —.
1836.....	Omitted.
1837.....	1837-8, Doc. No. —

War Offices.—During the rebellion period a number of offices, mostly of a military character, were created by the General Assembly, or by Governor Morton, all of which ceased during, or soon after the close of the rebellion. They are here grouped together under the above title. The following is a list of such reports of them as are contained in the Documentary Journals and Annual Reports :

Agent of State to Purchase Arms.—

August 1, 1862 (Robert Dale Owen).....1862-3, P. 2, v. 2, p. 909.

Allotment Commissioner.—

December 7, 1863.....1864-5, P. 2, p. 607.

Arsenal, State.—

(No date).....1862-3, P. 2, v. 2, p. 901.

May 3, 1861, to December 31, 1862..... " P. 2, v. 3, p. 1339.

Draft Commissioner.—

December 26, 1862.....1862-3, P. 2, v. 1, p. 697.

Finance Bureau.—

May 1, 18641864-5, P. 1, p. 1.

Gettysburg Soldiers' National Cemetery.—

1863-4.....1864-5, P. 2, p. 571.

Hospital Surgeons.—

January 6, 1863.....1862-3, P. 2, v. 2, p. 985.

Legion, Indiana.—See act May 11, 1861. (Spl. Sess. 1861, p. 52.)

Report of Officers.....1862-3, P. 2, v. 1, pp. 729, 777.

Reports of operations in 1863-4.....1864-5, P. 2, p. 369.

Military Agents.—

December, 1864.....1864-5, P. 2, p. 289.

Military Auditing Committee.—See acts May 31, 1861 (Spl. Sess. 1861, p. 3); March 6, 1865 (Reg. Sess. 1865, p. 37), sec. 61.

1861-2-3-4.....1864-5, P. 2, p. 25.

Ordnance Officer.—

December 15, 18641864-5, P. 2, p. 507.†

Pay Agents.—

December 31, 18621862-3, P. 2, v. 2, p. 1013.

Paymaster, State.—See acts June 1, 1861 (Spl. Sess. 1861, p. 73); March 11, 1867 (1867, p. 3), sec. 23.
 December 31, 18621862-3, P. 2, v. 2, p. 1025.
 December 23, 18641864-5, P. 2, p. 515.

Sanitary Commission.—

January 2, 18651864-5, P. 2, p. 69.

Special Agents to Visit Troops, etc.—

1863-41862-3, P. 2, v. 2, p. 1041.

LIST OF REPORTS NOW REQUIRED TO BE PRINTED.—

The following is a list of the reports required to be printed by the public printing act of April 13, 1885 (1885, p. 215), and subsequent acts, showing how often reports are to be printed and how many copies of each and the law governing the same:

OFFICE.	WHEN PUB.	NO. COP.	LAW.
Adjutant-General.....	Annual and Bien...	600.....	1885, p. 215.
Agricultural Board.....	"	5,000.....	" "
Attorney-General.....	Biennial	2,000.....	" "
Auditor State.....	Annual.....	2,200.....	" "
Blind Institute.....	"	2,000.....	" "
Charities, Board.....	"	.....	1889, p. 51.
Deaf and Dumb Institute.....	Annual.....	2,000.....	1885, p. 215.
Equalization Board.....	"	2,000.....	" "
Feeble-Minded Youth.....	"	2,000.....	1889, p. 129.
Geology, etc., Department.....	"	8,000.....	" p. 44.
Governor (Reprieves, etc.).....	Biennial	1,000.....	1885, p. 215.
Health Board.....	Annual.....	3,000.....	" "
Horticultural Society.....	Biennial	500.....	" "
Insane Hospital.....	Annual.....	2,000.....	" "
Librarian, State.....	Biennial	400.....	" "
Mine Inspector.....	Annual.....	8,000.....	1889, p. 44.
Normal School, Reports.....	Biennial	2,000.....	1885, p. 215.
" " Catalogues.....	Annual.....	5,000.....	" "
Oil Inspector.....	"	8,000.....	1889, p. 44.
Prison, North.....	"	2,000.....	1885, p. 215.
" South.....	"	2,000.....	" "

OFFICE.	WHEN PUB.	NO. COPIES.	LAW.
Public Instruction, Supt.....	Biennial	10,000.....	1885, p. 215.
Purdue University, Reports.....	"	2,000.....	" "
" " Catalogues.....	Annual.....	5,000.....	" "
Reform School for Boys.....	"	2,000.....	" "
" " Girls.....	"	2,000.....	" "
Secretary of State.....	Biennial	2,100.....	" "
Soldiers' and Sailors' Orphans' Home	Annual.....	2,000.....	1887, p. 16.
Statistics, Bureau.....	Biennial	5,000.....	1889, p. 335.
Treasurer, State.....	Annual.....	2,000.....	1885, p. 215.
University, Indiana, Reports.....	Biennial	2,000.....	" "
" " Catalogues.....	Annual.....	5,000.....	" "

No special provision is made for printing the reports of the following officers and institutions:

Commissary General.
 Custodian of Public Buildings.
 Fisheries Commissioner.
 Insane Hospitals, Additional.
 Kankakee River Commissioner.
 Live Stock Sanitary Commissioner.
 Quarter-Master General.
 Soldiers' and Sailors' Monument Commissioners.

SUPREME COURT REPORTS.—The number of Judges by the Constitution of 1816 was limited to three; by the Constitution of 1851 to not less than three nor more than five. The court was composed of three Judges until 1853, when by the R. S. 1852 the number was increased to four, and this number was in 1872 increased to five.

The Chief Justice is designated by the Judges themselves, and it is generally so arranged by them that each of the Judges is in turn Chief Justice during a portion of his term, which is six years under the present Constitution.

The act April 14, 1881 (1881, p. 92), authorized the Judges to appoint five commissioners, who were to hold

their office two years and aid the Supreme Judges in clearing the docket. By act March 3, 1883 (1883, p. 77), the term of the commissioners was continued for two years longer, but was not afterwards extended. Their opinions are contained in the reports of the opinions of the Supreme Court.

The first reports were those by Isaac Blackford, one of the Judges, in eight volumes, the first of which was published in 1830, and contained the decisions of the Supreme Court from May term, 1817, to May term, 1826, inclusive. The last volume contains the decisions from May term, 1846, to May term, 1847, inclusive. A second edition has been published with annotations by Edwin A. Davis, the first volume containing several opinions omitted from the reports of Judge Blackford. Blackford's reports have always maintained a high standing and are said by Chancellor Kent to be "replete with extensive and accurate law learning." (2 Kent, p. 176, note b.)

Blackford's reports are followed by the "Indiana" reports, the first volume containing the cases from May term, 1847, to November term, 1849, inclusive. This volume was published in 1852, and was the first published under the Constitution of 1851. The "Indiana" reports now number 120 volumes.

Under the Constitution of 1816 no provision was made for publishing the reports, and those of Judge Blackford were published as a private enterprise, aided, however, by subscriptions on behalf of the State. The Constitution of 1851 provided for publication of the reports by the State, and the R. S. 1852 (vol. 1, p. 431), authorized the election by the people of a Reporter of the Supreme Court whose term is four years.

Blackford's reports are cited by the name of the reporter; the subsequent reports as "Indiana" reports.

There is a volume entitled "Smith's Indiana Reports,"

containing reports of the decisions from May term, 1848, to close of November term, 1849. This was not a publication authorized by the State. The decisions, with a few exceptions, are contained in the regular reports.

The following is a complete list of the regular reports, with the names of the reporters :

			VOLS.
Blackford. 1817 to 1847.....			8
Indiana Reports by—			
Carter.....1847-1851	1-	2 Ind.....	2
Porter .....1851-1856	3-	7 "	5
Tanner .....1856-1860	8-	14 "	7
Harrison .....1860-1861	15-	17 "	3
Kerr .....1862-1864	18-	22 "	5
Harrison .....1864-1868	23-	29 "	7
Black.....1868-1876	30-	53 "	24
Martin.....1876-1880	54-	70 "	17
Dice .....1880-1884	71-	99 "	29
Kern.....1884-1888	100-	116 "	17
Griffiths.....1888-	117-	120 "	4

MISCELLANEOUS.—Many publications have been authorized by the General Assembly, or by one or the other of its branches, which are not included in any of the classifications here made. It would now be impossible to accurately enumerate them except by a careful examination of the House and Senate Journals and the printing acts. Many of them were in pamphlet form, and, no copies having been preserved in the House or Senate Journals, or in the Documentary Journals and Annual Reports, they have entirely disappeared. Others were bound in substantial form, and have been preserved. Some of them are included in the following list :

Bank Frauds.—There is a volume entitled on the back "Bank Frauds," and on the title-page, "Journal of the Bank Investigating Committee, a Select Committee of the

Indiana Senate, 1857," containing the journal and report of the committee, appointed January 17, 1857 (Sen. J. 1857, p. 120). The reports of the committee were never submitted directly to the General Assembly, which adjourned before the final adjournment of the committee on June 30, 1857, but were printed and distributed pursuant to the resolution of the Senate, adopted March 6, 1857 (Sen. J. 1857, p. 707-710). The reports are not included in either the Senate or Documentary Journal for 1857. 1 vol.

Report of Committee of the House of Representatives on the management and affairs of the Indiana Hospital for the Insane. (Submitted at 55th Sess., 1887.) 1 vol.

Proceedings of the Special Senate Committee on the condition and conduct of the Benevolent Institutions of the State. (Submitted at 55th Sess., 1887.) 1 vol.

Notice to Bidders proposing to bid for purchase of Indiana School Fund Refunding Bonds; containing information as to laws, etc. 1 vol.

Report of Joint Committee on investigation of the affairs of the Indiana Hospital for the Insane, at Indianapolis. (Submitted at 56th Sess., 1889.) 1 vol.

A Manual of the Election Law of Indiana.—(Prepared by J. P. Dunn, Jr., State Librarian, pursuant to Senate resolution of March 11, 1889.) 1 vol.

SUGGESTIONS AS TO STATE PUBLICATIONS.

First. Many of the laws, House, Senate, and Documentary Journals are not in the State Library, nor in any of the State offices, and are extremely rare and should be reprinted.

Second. A complete catalogue should be made of all the publications authorized by the State since its organization.

Third. A general index should be made to all the reports and other documents contained in the House, Senate, and Documentary Journals.

Fourth. Provision should be made for curtailing in future the official reports and requiring them to be condensed within reasonable limits. Many of them heretofore published are filled with a lot of stuff of no interest or profit whatever to the State or to the general public.

Fifth. A provision should be made similar to that in the Laws of 1853, p. 20, for the annual deposit by the Public Printer in the State Library of a number, say 200 or more, of sets labeled "Indiana Public Documents," each set to consist of as many volumes as may be required, substantially bound, containing *all* the State publications of the preceding year, with general tables of contents. This would preserve in permanent form all such State publications as have heretofore been printed in pamphlet, and would not prevent the binding in separate volumes of such reports as it might be deemed advantageous to so bind and distribute.

INDIANA HISTORICAL SOCIETY PUBLICATIONS.

VOLUME II.

NUMBER 6.

THE RANK
OF
CHARLES OSBORN
AS AN
ANTI-SLAVERY PIONEER.

BY
GEORGE W. JULIAN.

INDIANAPOLIS:
THE BOWEN-MERRILL COMPANY.
1891.

IN the *International Review* for June, 1882, I endeavored to show the unfaithfulness of current history in dealing with the genesis of modern abolitionism, and that justice has been strangely denied to a faithful anti-slavery pioneer who was a citizen of Indiana during the latter part of his long life. In the number of this *Review* for September following, Mr. Oliver Johnson earnestly combated my positions, and the controversy was closed by my rejoinder in the number for November. The question discussed is full of historic interest, and in the following paper I have dealt with it more fully, and, I think, conclusively. I respectfully submit my views to our State Historical Society as a slight contribution to the work it has in charge.

G. W. J.

CHARLES OSBORN.

IN just so far as the interests of humanity transcend those of country and race the philanthropists and reformers who devoted their lives and fortunes to the overthrow of American slavery are more worthy of honor than the patriots who toiled for national independence and the liberty of white men. It is therefore gratifying to notice the steadily growing disposition in all directions to do fitting honor to the pioneers and heroes of the anti-slavery struggle in the United States. Oliver Johnson's book, entitled "Garrison and the Anti-Slavery Movement," has appeared in a second edition, and is charmingly written by an intimate friend and fellow-laborer in the cause, who naturally displays his unbounded admiration for its great moral leader. A far more voluminous life of Mr. Garrison has since been given to the public by his children, which is also an admirable history of the great movement of which he was so long the recognized head. Elizur Wright, himself an able, faithful and time-honored pioneer, prepared and published a few years ago an interesting sketch of Myron Holley, one of the earliest leaders and champions of organized political action against slavery, and a man of singular rectitude, ability, courage and eloquence. Hon. E. B. Washburne is the author of a well-deserved life of Edward Coles, the anti-slavery governor of Illinois, who successfully resisted the establishment of slavery in that state, in the years 1823-24, by a scheme of organized border ruffianism akin to that which

in later years came so near making Kansas a slave state. General William Birney has just honored himself by publishing a life of his father, James G. Birney, the distinguished leader of the Liberty party and its candidate for president in 1840 and 1844. There is yet wanting an adequate life of Benjamin Lundy, whose perfect disinterestedness, self-denying zeal and absolute devotion to humanity entitle him to the highest place on the calendar of anti-slavery pioneers. Still other lives are yet to be written, and although a trustworthy history of the anti-slavery movement can not be expected till we are further from the strifes and passions with which it was unavoidably connected, yet it is not too soon to insist upon justice and fair play in dealing with its real founders and apostles.

Our accepted histories and manuals agree in according to William Lloyd Garrison the honor of first proclaiming, on this side of the Atlantic, the doctrine of "immediate and unconditional emancipation." They also agree in awarding to Benjamin Lundy the credit of publishing the first anti-slavery newspaper of this century, and of being the pioneer abolitionist of the United States. These statements are now received without question, and supported by Johnson's "Life of Garrison," Greeley's "History of the American Conflict," Wilson's "History of the Rise and Fall of the Slave Power," Von Holst's "Constitutional and Political History of the United States," and various other authorities. It is the chief purpose of this paper to controvert these alleged facts, and to show that Charles Osborn, an eminent minister in the Society of Friends, proclaimed the doctrine of immediate and unconditional emancipation when William Lloyd Garrison was only nine years old, and nearly a dozen years before that doctrine was announced by Elizabeth Heyrick, in England; and that Mr. Osborn also edited and published one of the first anti-slavery newspapers in the United States, and is thus en-

titled to take rank as the real pioneer of American abolitionism. These statements may appear surprising, but, if true, they should be so recognized. If the current of history has been diverted into a false channel, it should be turned into the true one. The story of the great conflict should be made thoroughly accurate and trustworthy. When a great victory has been won, every general should have his due share in the honor of its achievement, and, if the heroism of any brave man has been slighted, and the fact can be shown by newly discovered evidence, the record of the battle should be made to conform to the truth. It can scarcely be necessary to say that I have no desire whatever to do the slightest injustice to Garrison and Lundy. Their exalted place as heroes in the grand army of human progress is irreversibly established; and Garrison and Lundy themselves, if living, would be the last to deny to a fellow-laborer in the great cause the share of honor he had fairly earned in its service.

Before proceeding with my task, let me briefly sketch the principal facts of the life of Charles Osborn. It appears, from the published journal of his travels, that he was born in North Carolina, on the 21st of August, 1775. In his nineteenth year he removed to Tennessee, where he made his first appearance in the ministry about the year 1806. He soon took rank as a preacher of considerable gifts, and traveled and preached extensively in North Carolina and Tennessee, taking an active part in the anti-slavery societies of these States. He removed to Mount Pleasant, Ohio, in 1816, where he published a religious and reformatory newspaper, and continued his work in the ministry. In 1819 he settled in Indiana. He took an active and leading part, as an orthodox Friend, in the movement against Elias Hicks and his followers, and after this made a religious visit to Great Britain and a part of the continent. He sat at the head of the yearly meetings

of this country for about the third of a century, and the like honor was accorded him, though unsought, by Friends on the other side of the Atlantic during his sojourn among them. From his earliest years he was known as a thorough-going abolitionist, and an abstainer from the use of slave-grown produce; and, in his later life, he became involved in a controversy with his society on the slavery question, which resulted in his separation from it in testimony of his unflinching devotion to the slave.

Respecting Mr. Osborn's connection with the doctrine of immediate and unconditional emancipation, I submit the following facts:

1. In the month of December, 1814, he took the lead in organizing the "Tennessee Manumission Society." It was formed at the house of Elihu Swain, his father-in-law, and its object was the immediate and unconditional manumission of the slaves. Rachel Swain, now known as Rachel Davis, a daughter of Elihu Swain, still survives, and resides in Wayne county, Indiana, and she says she was present at the organization of the society, and knows the facts I have stated. I have personally known her many years, and know her to be an entirely trustworthy witness. It is true she is now very old, and the facts to which she bears witness happened a long time ago; but while the memory of old people touching recent events is very untrustworthy it is vivid as to those of childhood and early life. Moreover, her statements are corroborated by persons still living, whose names I shall presently mention, and who form a connecting link between that early period and the present. From them I learn the character of the first manumission societies of Tennessee and North Carolina. Their mission was not political but moral. Slavery had not then found its way into politics. Their appeal was to the individual. Like the Garrisonian abolitionists of a later day they taught the sinfulness of slavery and the duty

of immediate repentance. Let me add that in 1852, when Mrs. Davis was only fifty years old, she united with the Society of Anti-Slavery Friends, of which she was then a member in witness of the facts she now affirms.

2. My second witness is Rev. John Rankin, a native of Tennessee, where he resided till the year 1817. He then removed to Kentucky, and afterwards to Ohio, where he died a few years ago, at the age of ninety-odd years. Few men are more widely known to the anti-slavery public. He founded the Western Tract Society, at Cincinnati, for the purpose of supplying the country with anti-slavery information. He was one of the first lecturers sent out by the American Anti-Slavery Society, of which he was also one of the founders. As preacher, writer and lecturer, he was most honorably known. He was an uncompromising abolitionist from his youth up, and he preached his doctrines boldly from the pulpit at a very early day, both in the South and in the North. He says the manumission society referred to proclaimed the doctrine of immediate emancipation, and that after his removal to Kentucky he proclaimed it to large congregations. In 1824, after his removal to Ohio, he published a series of letters setting forth the sinfulness of slave-holding, and avowing the same principle. These letters were published in book form in 1825, and were printed in the *Liberator*. That Mr. Garrison was well pleased with the book is shown by the following inscription on the fly-leaf of a volume of his own writings, which he presented to Mr. Rankin:

"Rev. John Rankin, with the profound regards and loving veneration of his anti-slavery disciple and humble co-worker in the cause of emancipation, William Lloyd Garrison."

To this evidence of Mr. Rankin I now add that of his brother, Dr. A. T. Rankin, who has recently made the

public statement that John Rankin preached immediate and unconditional emancipation as early as the year 1817. His letters to me on the subject, with those of his brother, are before me. It should be remembered, also, that according to the first volume of Henry Wilson's "*History of slavery*," page 178, at a meeting of the American Anti-Slavery Society in New York, years ago, John Rankin made the same statement respecting his early and public espousal of immediate emancipation.

But I do not rest the case here, and shall show the trustworthiness of Mr. Rankin's recollection by his letters already referred to, written in the year 1824, and published in book form the year following. As an arraignment of slavery this book is as terrible as it is just. He shows it to be a curse to both master and slave, a horrid conspiracy against marriage and the family, an outrage upon the inborn rights of man, a blight and a blast upon every community in which it exists, a loathsome mockery of the very principle of free government, and a palpable violation of the express law of God. The writer of such a book who religiously believed what he wrote, as did John Rankin, could never have tolerated the thought of postponing the duty of emancipation for a day or an hour. But putting aside the general character of the book, I propose to remove all doubt or cavil by particular extracts from its pages. I quote from page 34 of the third edition, printed at Newburyport, Massachusetts:

"And here I must remark upon one main objection to the emancipation of the slaves: it is that they are, in consequence of the want of information, incapacitated for freedom, and that it is necessary to detain them in bondage until they may be better prepared for liberation. But from the preceding remarks it is abundantly evident that they are now better prepared with respect to information for emancipation than they will be at any future period,

and that less inconvenience and danger would attend their liberation at present than at any future time. It must be obvious to every one capable of discernment that the inconvenience and danger of emancipation will increase in proportion as slaves become more numerous. Indeed, all the difficulties that attend emancipation are rapidly increasing, and they must certainly be endured at some period, sooner or later; for it is most absurd to imagine that such an immense body of people, most rapidly increasing, can always be detained in bondage, and, therefore, it is much better to endure those difficulties *now* than it will be when they shall have grown to the most enormous size."

I quote also the following on page 116:

"We are commanded to do justly and love mercy, and this we ought to do without delay, and leave the consequences attending it to the control of Him who gave the command. We ought also to remember that no excuse for disobedience will avail anything when He shall call us to judgment."

If this does not clearly inculcate the duty of immediate emancipation, words have no meaning or were made to deceive. The reasonableness and credibility of Mr. Rankin's statement are made evident by some kindred facts, and I refer to them for the purpose of still further showing how completely mistaken are those who assume that nobody in this country announced the doctrine in question prior to Mr. Garrison, in 1829. In 1824 Rev. James Duncan proclaimed it in his book entitled "A Treatise on Slavery." In December, 1825, Lundy published in the *Genius of Universal Emancipation*, Elizabeth Heyrick's famous pamphlet, "Immediate, not Gradual Emancipation." In the same issue of the paper I find a vigorous article, in which the principle is clearly asserted and argued. The name of the writer does not appear, because

the article seems to be one of a series, and I have not been able to find the preceding and following issues of the paper. I quote the following passage :

"The slave has a *right* to his liberty—a right which it is a crime to withhold—let the consequences to the planters be what they may. * * * The cause of emancipation calls for something more decisive, more efficient, than words. It calls upon the real friends of the poor, degraded African to bind themselves by a solemn engagement, an irreversible vow, to participate no longer in the crime of keeping him in bondage."

The same doctrine is declared, with still greater precision and emphasis, in an article published in the *Genius* for August 5, 1826. It bears evidence of having been written by a Presbyterian minister. After insisting that slavery is a crime, he says :

"What has God told you about crime, or sin? To desist from it, or persevere? To desist. When? Now! Now!! Yes, mortal, He never gave man or angel a moment to consider—a minute to wait for the alteration of affairs, or for more favorable circumstances. If we are required to do right, we are required to do it immediately."

The subject of immediate emancipation is likewise discussed in the *Genius* for October, 1822, by Benjamin Lundy himself, in reply to a writer who has inveighed against the terrible consequences which would result from it, thus showing that the idea was then in the minds of men. Mr. Garrison, in all probability, read the articles to which I have referred at the time of their appearance, as he had read Rankin's book ; but whether he did or not I have made it certain that he was not first in announcing the principle of immediate emancipation in this country.

3. In the year 1841 Mr. Osborn, as I shall hereafter have occasion to show, gave offense to his society by his earnest and uncompromising espousal of the doctrine in question ;

and the well-known Levi Coffin, in his published volume of "Reminiscences," on page 231, referring to that period, says that Mr. Osborn "preached no new doctrine, had experienced no change, but followed the same course and advocated the same anti-slavery doctrine he had for forty years." He further says, on page 265, that he publicly advocated immediate and unconditional emancipation in Ohio in 1816. Mr. Coffin knew him in his youth, and gave these testimonies from his personal knowledge. As a philanthropist Mr. Coffin is very widely known and worthily remembered. His devotion to humanity was a passion, while in the matter of integrity he was as guileless as a little child. It will not do to say that his old age weakens the value of his testimony; for although he was an old man when he wrote his "Reminiscences," he had given the same evidence, as I shall show, in the year 1843, when in the prime of life, and only removed some twenty-odd years from the time when Mr. Osborn's manumission society in Tennessee was formed. He is a competent and credible witness, and his evidence must be accepted as true or successfully impeached.

4. In a printed document published in 1843, reviewing certain proceedings of the Indiana yearly meeting in dealing with Mr. Osborn, the following statement is made: "It is well known that the sentiments of Charles Osborn in relation to this subject (slavery) are the same now they were more than twenty-five years ago." This is signed by Daniel Puckett, Walter Edgerton, H. H. Way, Jacob Graves, John Shugart, and Levi Coffin—all perfectly reliable men, and three of them, namely, Puckett, Way and Coffin, were intimately acquainted with Mr. Osborn and his anti-slavery position during the period covering his life and labors in Tennessee and North Carolina. I personally know all these to have been perfectly trustworthy witnesses and intelligent men. They were leaders in the religious

society to which they belonged, and none of them were then beyond the meridian of life.

5. After the death of Mr. Osborn a memorial of his life was drawn up and adopted by the Society of Anti-Slavery Friends, to which he belonged, in March, 1852. That memorial refers to his leadership in the formation of manumission societies in 1814, and declares that, "in endeavoring to lay the foundation principle of these societies, he, at that early day, advocated and maintained the only true and Christian ground—immediate and unconditional emancipation." After this memorial was drawn it was submitted to the monthly meeting, and, according to the practice in all such cases, was scrutinized before its approval. It then had to be sent to the quarterly meeting, composed of the members of the different monthly meetings, and again examined and passed. It was then forwarded to the meeting for sufferings, composed of representatives from each of the quarterly meetings, composing the yearly meeting, and a certain number to represent the latter. This body of men again examined and approved it, after which it was read in the yearly meeting before the members of the society, *en masse*, who approved and adopted it. In these several meetings were such men as Levi Coffin, William Beard, Henry H. Way, Enoch Macy, Jonathan Swain, Thomas Frazier, Daniel Puckett, Isaiah Osborn, William Hough, Walter Edgerton, Benjamin Stanton, John Shugart, Jacob Graves, and various others, many of whom were personally and intimately acquainted with Charles Osborn and his labors in the manumission cause in Tennessee and North Carolina. They were men of the highest character for integrity, and could not have been induced to sit by and approve statements about which they were well informed if they were false. In my earlier life I knew all these men, and I entertain not the shadow of a doubt as to the perfect accuracy of their statements.

6. The manumission movement in Tennessee awakened uneasiness among the slave-holders, some of whom thought it would be good policy to attach themselves to it as members. In a moment of weakness, and on considerations of expediency, the constitution of the society was so changed as to permit this; and this led to a further compromise, by which the name of the society was changed to that of "Manumission and Colonization Society." Mr. Osborn was present when these changes were proposed and adopted, and gave them his decided opposition. In the language of the Quakers of a later day, he believed "the full enjoyment of liberty to be the right of all, without any conditions," and could not "consent, upon any conditions, that the bondage of a fellow-being shall be prolonged for a single day," nor "say to him he must go to Hayti, to Liberia, or any other place, to entitle him to the full enjoyment of liberty." The facts respecting these changes in the policy of the manumission movement and Mr. Osborn's opposition are given on the authority of his early friends and anti-slavery associates, already referred to, and are more particularly set forth in Edgerton's "History of the Separation in Indiana Yearly Meeting of Friends," published in 1856, and in Mr. Osborn's "Journal of His Travels and Labors in the Ministry," published in 1854.

7. In enumerating these proofs I ought to make more special and emphatic mention of Mr. Osborn's hostility to African colonization. He avowed this in his youth, and never afterward faltered. The fact is as honorable to him as it is remarkable that, while the leading abolitionists of England and the United States were caught in this snare, he was never for a moment deluded by any of its plausibilities. His moral vision detected its character from the beginning. "Emancipation," he declared, "was thrown into the cradle of colonization, there to be rocked and

kept quiet until the last slave-holder should become willing to send his human chattels to the colony." Benjamin Lundy and other anti-slavery men discussed it as a scheme of gradual emancipation, and as such Mr. Osborn always understood it. He opposed it because it postponed the freedom of the slaves and placed conditions in its way. This subtle scheme of imposture and inhumanity became a national organization in the beginning of the year 1817, and became at once the great stalking-horse of slavery. It darkened the air, palsied the public conscience, and balked all efforts looking to immediate emancipation. It draped over the abomination of slavery, and debauched the judgment of the country. Like Aaron's rod, it swallowed up all else. It was the grand stumbling-block of philanthropy, and the colossal falsehood of the generation. There was but one thing for a thoroughly earnest anti-slavery man to do, and that was to fight it. This Mr. Osborn did, single-handed. He girded himself for battle against the most formidable and insidious foe of freedom that had ever stood in its path. He was a *doer* of the word from his youth, and I have a right to define his position by the unambiguous testimony of his life.

It is not pretended, of course, that Mr. Osborn expected that the slave-holders would immediately emancipate their slaves. Without the intervention of a miracle this was impossible. The work of emancipation could only go forward under the inevitable conditions by which it was complicated. It had to become an educational process before it could be realized in fact. This was Mr. Garrison's idea, for he had no thought of emancipation by force. What Mr. Osborn preached to the slave-holder was the doctrine of immediate repentance, and that he had no right to put off that repentance to a more convenient season. That was his well-known position in 1830, when

the anti-slavery agitation began seriously to disturb the peace of the country; and the Indiana yearly meeting, which could not endure this doctrine in 1842, never disputed the fact that he had at all times avowed it. If it be said that it was well known that the honor of first proclaiming this doctrine in this country was ascribed to Mr. Garrison by his friends, and that Mr. Osborn would have contested this claim if he had felt himself entitled to make it, I reply that he was a traveling minister among Friends, engrossed in his peculiar work, and may have known nothing of the matter. It is quite as reasonable to suppose him ignorant of the claim made by the friends of Mr. Garrison as to suppose the latter ignorant of Mr. Osborn's well-known record as an immediate emancipationist. In justice to him it should also be said that he was too modest to blow his own trumpet, and too much absorbed in his work to concern himself about its honors; and that if this had been otherwise he had no motive to enter into any strife over the question. The champions of immediate emancipation, when it first began to stir the country, and during the life of Mr. Osborn, were obliged to make themselves of no reputation. They were cast out of all the synagogues of respectability, and little dreamed of the honors with which they were finally crowned. Mr. Osborn, therefore, could have had no selfish inducement to contest the claim of Mr. Garrison, while either of them would doubtless have been glad to know that the other had avowed this sound and saving principle.

Before leaving this branch of my subject, I must notice the surprising effort of Oliver Johnson to dispose of the evidence I have submitted. He asserts that if the doctrine in question had been proclaimed at the time mentioned "it would not have failed to arrest public attention, and throw a broad light over the whole country." When it was announced by Garrison, he says, "it was like a re-

volving light on a headland, casting its rays afar over the raging sea." He says "the whole land was startled into attention; the slave-holders were alarmed, and thenceforth had no peace," and that "it is morally certain that it would have been so in Tennessee if that light had been kindled there." My reply is that I am debating a question of fact, and, having conclusively shown that Mr. Osborn *did* proclaim this doctrine in 1814, the question about the consequences which Mr. Johnson says would have followed concerns him quite as much as me. But I will meet his argument directly, and expose its complete fallacy. This fallacy is found in the unwarranted assumption that public opinion in the South was as intolerant and inflammable in 1814 as it became in 1830 and the following years. This is notoriously not the fact, and it is marvelous that one so familiar with anti-slavery history as Mr. Johnson did not remember it. John Rankin is my authority for the statement that while he was a young man a majority of the people of east Tennessee were abolitionists, and I have already quoted his testimony that he afterwards preached immediate emancipation to large congregations in Kentucky. His brother, in a recent letter to me, confirms this testimony, and says that he frequently supplied a bookseller in Maysville, Kentucky, with copies of John Rankin's radical book already referred to, and that the State Abolition Society favored immediate emancipation. I have already quoted from articles in Lundy's *Genius* for 1825 and 1826 in favor of immediate emancipation, and I think no mob followed their publication. In 1826 the American convention for the abolition of slavery was held in Baltimore, representing 81 societies, 71 of which were in the slave States.¹ In 1827 there were 130 abolition societies in the United States, of which 106 were in the slave-hold-

¹ Wilson's *Rise and Fall of the Slave Power*, page 170.

ing States, and only 4 in New England and New York. Of these societies, 8 were in Virginia, 11 in Maryland, 2 in Delaware, 2 in the District of Columbia, 8 in Kentucky, 25 in Tennessee, and 50 in North Carolina.¹ These societies were no doubt largely the result of the labors of such men as Charles Osborn and Benjamin Lundy. Anti-slavery feeling was widely diffused, and although it was not very intense, and the subject of slavery was discussed without passion, the people seemed to be honestly in search of some method of escape from its evils. These historic facts show why it was that from 1814 to 1830 the proclamation of immediate emancipation failed to startle the country. It was the Southampton Insurrection of Nat. Turner, in Virginia, in 1831, and indications of insurrections in other States the same year, which fired the Southern heart, swept these societies out of existence, and inaugurated "the reign of terror" in the South which lasted till its overthrow by the power of war. Then it was that the battle-cry of immediate emancipation became the trumpet of alarm, and signalized the advent of the irrepressible conflict. In Mr. Garrison the word became flesh, for the nation was entering upon a new dispensation, and the hour and the man had met. Samuel Adams preached independence many years before it electrified the colonies. He was the real father of the revolution; but he was obliged to bide his time till the multiplying exactions of the mother country finally prepared the people for the conflict, and to write on their banners that "Taxation without representation is tyranny." No man is strong enough to wrestle with the logic of events.

I come now to the proof of my statement that Mr. Osborn edited and published the first anti-slavery newspaper in the United States, and is thus further entitled to the honor

¹ Poole's *Anti-Slavery Opinions* before 1800, page 72.

of being counted the pioneer of latter-day abolitionism. My task will not be difficult, and it will supply some corroborative proof of his anti-slavery position. We have seen that he removed to Mount Pleasant, Ohio, in 1816. In that year he issued his prospectus for a weekly newspaper to be called the *Philanthropist*, and published at that place; and on the twenty-ninth of August, 1817, the first number was issued. Its publication was continued till the eighth of October, 1818. The tone of the paper was earnestly moral and religious. He devoted its columns considerably to the interests of temperance and peace, but the burden and travail of his heart was slavery. I speak by authority, having the bound volumes of the paper before me. It was just such a paper as Elijah P. Lovejoy was murdered for publishing in Illinois twenty years later. Benjamin Lundy, then residing at St. Clairsville, was one of its agents, as the paper shows. The subject of slavery is discussed from eighty to ninety times, making an average of nearly twice in each weekly number. It was in the beginning of this year that the American Colonization Society was organized, with its headquarters at Washington, and the several anti-slavery societies then existing in this region of Ohio were all in favor of colonization as a scheme of gradual emancipation, as were those throughout the country generally; but Mr. Osborn disagreed with them. He opposed the scheme in repeated editorials, but allowed both sides of the question to be heard. Various articles were admitted favoring the policy of gradual emancipation, but not a line was written by himself in its approval. The limits of this article will not permit numerous or lengthy quotations from the paper, but I offer a few as specimens of its general character, beginning with the editorials. On page 44 of the first volume is the following on colonization:

“ Without in anywise wishing to forestall public opinion,

or give a bias against the intentions of the American Colonization Society, the editor has great doubts of the justice of the plans proposed. It appears to him calculated to rivet closer the chains that already gall the sons of Africa, and to insure to the miserable objects of American cruelty a perpetuity of bondage. The free persons of color in the city of Philadelphia have protested against being sent back to a soil which separation and habit have combined to render disagreeable to them. The communication which follows is inserted because the author's intention is believed to be good, and because every investigation of the subject will tend to open the eyes of the public to the situation of this people. Those who have traveled through the Southern States, and observed the ignorance and vice with which slavery has enveloped the children of Africa, can hardly be persuaded that they are now fit instruments for propagating the Gospel."

On page 37 is the following :

"A correspondent says the coast of Africa has been robbed of its natives, who have with their sweat and blood manured and fertilized the soil of America. If their descendants are now (by way of reparation) to be forced back to that country, whose customs and whose soil are equally repugnant to them—query, are the thieves or the restorers most justifiable?"

In the second volume, on page 69, is a strong editorial on the slave trade and slavery. After referring to the action of England and Spain in dealing with this subject, it concludes :

"But much remains to be done. The system of slavery is acknowledged on all hands to be an evil of the greatest magnitude ; and it will require a degree of energy commensurate with the effects it has upon society to counteract its baleful influence, and now is the time for the advocates of freedom to exert themselves to overthrow that colossal

fabric of despotism. Let the enlightened philanthropists of either hemisphere continue to carry on the benevolent work until they have finally accomplished the same, and receive the just reward of their labors, the grateful acknowledgements of millions of their fellow-mortals, whom they behold emerging from the gloomy caverns of despair and assuming the rank among the sons and daughters of men to which they are entitled by the laws of nature. In the language of one of the greatest orators of the present day, they will then have the satisfaction to know that through their instrumentality a large portion of their fellow-creatures are, politically speaking, 'redeemed, regenerated, and disenthralled by the Genius of Universal Emancipation.' "

It will occur to the reader as altogether probable that the name of Lundy's paper, which was started several years afterward, was suggested to him by this editorial. I quote the following from the editorial columns on page 154:

"A planter in the upper part of Georgia went down to Charleston to purchase slaves. A cargo had just been landed. They were set up at auction, declared to be sound in wind and limb, and were struck off to the highest bidder. This planter purchased his complement, and the driver conducted them off. On the way to Augusta one of the women accidentally saw the man who had been her husband in Africa. The dissevered pair immediately recognized each other, and their feelings at this unexpected meeting may be conceived by those who are acquainted with conjugal affection. The owner of the husband was moved at the scene, and proposed either to sell or buy, that the poor creatures might live together on the same plantation; but the other, hard-hearted man, would do neither. They, of course, were soon parted; the woman was conducted up the country, and soon after died of grief."

This is one of sundry articles on the same subject depicting acts of cruelty similar to those with which every reader of *Uncle Tom's Cabin* is familiar. In the same volume, on page 181, is an able and thorough article on colonization, from which I make brief extracts :

"On entering into this investigation we should bear in mind that we have long been called upon (and the present moment calls loudly) to cease to violate the laws of God and nature in holding our fellowmen in a state of bondage. It is the *slaves* who are suffering the most consummate misery, and it is the melioration of *their* condition which demands our first attention. Whatever laudable schemes may be formed for promoting civilization on the continent of Africa, or whatever benevolent designs may be entertained for the benefit of the free people of color on this side of the Atlantic, or whether these enterprises are directed by a sound or a visionary philosophy, it is not my present purpose to inquire. The great object still is to devise some system by which *slavery* may ultimately be terminated. If African colonization is not directed to this object, or capable of effecting it, we are still left to find some other expedient."

The article then proceeds to show, by facts and figures, the utter impracticability of the colonization scheme, and concludes :

"It is true that the plan might produce one very striking effect—it might amuse our minds with the mistaken idea of doing something valuable, until that Almighty Being who observes the conduct of nations and of individuals may in his wisdom and justice deprive us of the opportunity of being the instruments in so laudable a reformation by taking the great work into his own hands. And here my mind is forcibly struck with the sentiment of one of our greatest men: 'When I reflect that God is just, and that his justice can not sleep forever, I tremble for the fate of my country.'"

These samples will indicate the decided anti-slavery character of the paper, while its communications and selected matter will make this equally evident. The first issue contains three selections, one of which, being very brief, I quote :

“ ‘ I am astonished,’ said an intelligent Turk, ‘ that the Americans should send a fleet to compel the surrender of slaves in our possession, when, in their own country, they keep thousands of Africans in bondage. They had better clean their hands before they lift them toward heaven.’ ”

On page 18 is an earnest letter on slavery from Anthony Benezett. On page 32 is an address from a member of the North Carolina Manumission Society, of the most radically anti-slavery type. On page 35 is an obituary notice of Paul Cuffe, a successful colored merchant and a man of signal benevolence and enterprise among his race. On page 37 is a strong article, probably written by Benjamin Lundy, over the signature of *Philo Justitia*, and a capital letter from Joseph Doddridge, from which I quote the following :

“ Can we charge the most sore-handed despotisms in existence with anything worse than the personal slavery of the African race in our country? No! Even in the piratical states of the Barbary coast, if the Christian slave turns Musselman, he is free. Amongst us, if the slave becomes a Christian brother, he, nevertheless, still remains a slave.”

Passing several brief articles, we find on page 76 the beginning of a lengthy one, by an intelligent colored man named William Blackmore, who discusses the question with considerable ability. In the course of it, in referring to the enemies of his race and their tribulations in the dying hour, he frames for them the following prayer :

“ Almighty and incomprehensible Being! Thou knowest a part of Thy creation, the negroes and molattoes, have long been objects of our contempt; and we have

even until this day been occasionally tormented with a sight of their black faces. We have seen many of them in the slave states stripped of every comfort of life, destitute of friends, and knowing not where to flee for succor and safety, and in this deplorable condition we passed by and left them, supposing their complicated sufferings would soon push them out of existence; but Thou didst put it into the hearts of Thy Samaritans to bring these wretched outcasts into this great inn which we inhabit, and to administer to their necessities. With the assistance of our ally, *Prejudice*, we thought before this to have convinced the world that they were made of more base material than we white people; but Thy great Apostle Paul declared that Thou hast 'made of one blood all nations of men.' We have long insisted that their color was a sufficient proof that they are of a distinct race greatly inferior to us; but Thou hast permitted Blumenbach, Smith and others to write so wisely upon the subject that many of the white people themselves now begin to think that climate, state of society, manner of living, etc., have produced the external differences which are apparent between them and us. We have contended again that the negroes are very deficient in point of intellect; but Thou hast suffered it to enter into the hearts of some of Thy believers to give some of them literary knowledge, and so we are likely to be upset in this our favorite hypothesis. We thought because we had the power it would be well enough to take away from them their natural, inherent and unalienable rights and privileges; but Thou hast put it into the hearts of certain persons in this state to think that we ought to do unto all men as we would wish them to do unto us.

"Now we are summoned to give up our stewardship, and seeing that we have not succeeded in our attempts to wrest Thy attributes out of Thy hands; and fearing from Thy

many gracious promises and declarations in their favor that some of this despised people have been admitted into the mansions of Thy everlasting rest; we therefore humbly pray Thee that Thou wilt be graciously pleased to cast their black souls out of heaven before our spirits reach there; for it has been much against our will to dwell amongst them the few days of this life; and how can we bear the idea of being confined among them to all eternity?"

The following is from the *Chester and Delaware Federalist*, quoted on page 113:

"All is still as the grave. We boast that ours is the land of freedom. Here liberty dwells; this is the spot where the sacred tree flourishes, spreading its branches east and west, shading, protecting, the whole land. Our constitution solemnly declares that all men are born equally free. The enslaved and oppressed of Europe are welcomed to our shores as an asylum from oppression. We rub our hands and congratulate one another that we are the most free people on earth. Gracious heavens! and is it yet true that more than twelve hundred thousand of our fellow-creatures are doomed, themselves and their posterity, to hopeless bondage? Where are our abolition societies? Are they weary in well-doing? Where are those intelligent, ardent, benevolent men who exist in every country, who step forward on great occasions, animate their fellow-men to exertion, and direct their efforts to the attainment of noble ends? Are the spirits of Wilberforce, Clarkson and Benezett extinct? Or is it true that nothing can be done? *No—nothing can be done!* Go home and repose on your pillows of down; sleep away your lives in indolence and ease; and let the expression—nothing can be done—satisfy your consciences. Let the husband be separated from his wife, the mother from her little ones. Let the poor slave toil in hopeless misery, and bleed beneath

the lash of his taskmaster. It will be useless to disturb Congress with your petitions—*nothing can be done.*”

On page 169 is an article by “E. B.,” a Virginian, which ably discusses the question both in its political and moral aspects. I quote:

“It is not only absolutely *right* to devise some remedy for this evil, but it is absolutely necessary. We have shut our eyes and stopped our ears too long. Can we continue indifferent on so momentous a subject? We are called upon by honor, morality, and religion—by love for our country, ourselves, and our children. Let us not disregard these sacred obligations, but let us enter into a thorough investigation of the subject. Let us unite into select societies for the purpose of digesting a plan for the removal of this enormous evil, and, thus united in order and co-operating under the ties of virtue, honor, and love of our country, the difficulties attendant upon the subject will vanish before the wisdom of the nation. * * * It is impossible that one man should be the property of another. The master can not derive his claim of property from the law of nature, because by that law all men are equally free and independent. He can not derive it from the principles of civil government, for government was instituted for the common benefit, protection, and security of the community, and, when properly supported, admits no man or set of men to the possession of exclusive privileges. He can not refer to contracts with individuals, nor to conveyances from parents for their children, for no one will pretend to the existence of such contracts, and their validity could not be supported if they really existed. It can not be rested upon law, for such a law must be, technically speaking, unconstitutional. The constitution defines the object of government and the rights of individuals. These form barriers which legislation can never pass. It may, therefore, be boldly affirmed that slaves are not property.

They are injured human beings, whose sufferings call loudly for redress."

Mr. Osborn was one of the very first men of this country to oppose the use of slave-grown produce, and he continued personally faithful to this principle during his life; while the *Philanthropist* is clearly one of the first newspapers in the United States which espoused this duty. From an article copied from the *Westchester Recorder*, on page 174, I quote the following in reference to the slave trade:

"This great fountain of human blood that has been flowing on the continent of Africa for ages, whose streams have stained the shores of America and the West Indies, is kept in motion and supported by the consumers of the proceeds of slavery. They are the subscribers that furnish the fund by which the whole business is carried on. A merchant who loads his vessel in the West Indies with the proceeds of slavery does nearly as much at helping forward the slave trade as he that loads his vessel in Africa with slaves. They are both twisting the rope at different ends. * * * It is something paradoxical that a man will refuse to buy a stolen sheep, or to eat a piece of one that is stolen, and should not have the same scruples respecting a stolen man."

But I need not multiply these extracts, which I have given merely as illustrations of the spirit and make-up of the paper. I must not fail to mention, however, a very able and eloquent oration on slavery, by Thomas H. Genin, delivered at Mount Pleasant, Ohio, on the 18th of May, 1818, which is printed in the second volume, beginning on page 77. Mr. Genin came from New York to Ohio the year before, and was the intimate friend of Mr. Osborn. He also shared the friendship of Charles Hammond, Benjamin Lundy and De Witt Clinton. He had considerable literary gifts, and was the correspondent of Henry Clay and John Quincy Adams; and, although the

rhetoric of his oration is a little florid, he discusses the slavery question with great thoroughness, and evinces a surprising insight into the nature and working of the institution. All the arguments and sophisms of the slaveholders with which the country has been familiar in later times are taken up and disposed of in this effort of more than seventy years ago as if he had been in the midst of the great conflict which so long afterward stirred the blood of both sections of the Union. The speech is prophetic, and deserves to be preserved as a choice relic of the literature of abolitionism in its pioneer days. Let me add, that I find scattered through the pages of the *Philanthropist* frequent selections of anti-slavery poems from Cowper, Shenstone, Montgomery and others, and I entertain no doubt whatever that its anti-slavery character is quite as clearly defined and uncompromising in tone as Lundy's *Genius of Universal Emancipation*, or James G. Birney's *Philanthropist*, published in Cincinnati in later years.

The priority of Mr. Osborn in the establishment of this paper has already been shown. He sold his establishment to Elisha Bates, and not to Elihu Embree, as Mr. Greely states in his "Conflict"; and Lundy, not liking the anti-slavery character of the paper under his management, as he declares in his account of these matters, began the publication, at Mount Pleasant, of the *Genius of Universal Emancipation*, in January, 1821, being three years and a half after the issue of the first number of the *Philanthropist*. These facts are given in "The Life of Benjamin Lundy," compiled by Thomas Earle, and published in 1847. We there learn, on the authority of Lundy, in speaking of the previous establishment of the *Philanthropist*, that "proposals were issued by Charles Osborn for publishing a paper at Mount Pleasant, to be entitled the *Philanthropist*. He stated in his prospectus

that he should discuss the subject of slavery in the columns of the paper. The idea now occurred to me that I might act efficiently for the cause of emancipation—that I could select articles (for I did not think of writing myself) and have them published in the *Philanthropist*, and that I could also get subscribers to the publication. Engrossed with these thoughts, I went to work with alacrity. My leisure moments were now fully employed. When I sent my selections to Charles, I sometimes wrote him a few lines. After he had published the *Philanthropist* a few months, I was surprised at receiving from him a request that I should assist in editing it. The thought that I could do such a thing had not then even occurred to me. But on his repeating the request I consented to try, and from that moment, whenever I have thought that something ought to be done, my maxim has been, though doubtful of my ability, *try*. Although I resided ten miles from the office, and was extensively engaged in other business, I continued for some time to write editorial articles for the paper. At length Charles proposed to me to join him in the printing business, and to take upon myself the superintendency of the office. After some deliberation I consented to accept the offer." It seems, however, from the narrative, that Lundy never joined Osborn in the printing business, owing to circumstances which soon after drew him to Missouri, and that his only connection with the *Philanthropist* was that of an agent for the paper, and the writer of occasional articles over fictitious signatures. He had nothing to do with originating it, or superintending its management, and acted solely in the capacity of a subordinate, and a diffident, but sympathetic and faithful, disciple; and on his own showing the establishment of the *Genius of Universal Emancipation* would never have been attempted if Mr. Osborn's successor had maintained the anti-slavery character of the *Philanthropist* under its

previous management, when Lundy himself was its agent and zealous friend. He is, therefore, himself my witness that the honor now so generally claimed for him of being the first of our anti-slavery pioneers is altogether unwarranted by facts.

I have thus demonstrated my proposition that Charles Osborn was the first to proclaim the doctrine of immediate and unconditional emancipation, and that he, and not Lundy, became the pioneer of modern abolitionism by editing and publishing the first anti-slavery paper in the United States. On these points history has been made to bear false witness, and its record should be corrected. This correction will not pluck a single laurel from the saintly brow of Benjamin Lundy. It will be his imperishable honor that in his youth he surrendered a lucrative business and the sweet joys of home at the bidding of his conscience, and made himself a wanderer on the earth in the effort to rouse the consciences of men to the sin of slavery. His devotion to humanity was a divine fascination, and he literally gave up all for the slave. He is also entitled to the signal honor, as Oliver Johnson says, of "putting the burning torch of liberty into the hands of the man raised up by Providence to lead the new crusade against the slave power"; but Mr. Osborn kindled the blaze which lighted this torch of his Quaker disciple. When Lundy afterward met Garrison in Boston, in 1828, Mr. Osborn was his reference; and in 1847, when Mr. Garrison, in Cleveland, Ohio, met a son of Mr. Osborn, who still survives, he said to him: "Charles Osborn is the father of all of us abolitionists." He was, in fact, the real germ of the grand movement that drew into its service so many heroes and martyrs as it advanced, and finally swept slavery from the land, just as the quiet lakelet at the head of the Mississippi is the source of the great river which is swelled by its tributaries till lost in the gulf. Nor

can the claim thus made weaken in any degree the historic position of Mr. Garrison as the moral hero of the movement. His indebtedness to Lundy he always frankly acknowledged; and, if the doctrine of immediate and unconditional emancipation was announced by others while he was a school-boy, it can not be set down to his discredit, nor does it follow, by any means, that he borrowed it from anyone. I believe it was the inevitable outcropping of his moral constitution, and came to him with the authority of a divine command. He did not need to take it at second-hand, while his overmastering personality popularized it, and imparted to it a meaning and power which quite naturally won for him the honor of its paternity.

In justice to my subject, I must not conclude this article without a brief reference to the controversy already alluded to, in which Mr. Osborn became involved in his later life with the society in which he had so long been a prominent member. In dealing with this subject, I shall speak plainly, but in no unfriendly spirit, respecting this most comely and praiseworthy body of religionists. Of Quaker parentage and training myself, my predilections incline me strongly in their favor. During my protracted connection with anti-slavery politics in one of the strongholds of these people in eastern Indiana, they were unitedly and earnestly my friends, and in what I shall now say I am conscious of no other motive than the service of the truth.

The year after Mr. Osborn sold his newspaper establishment he removed to Indiana. Several considerations induced him to abandon the publication of his paper. He desired to go further west, where his small resources would enable him to procure land for his children. He also felt that the influence of his paper was seriously thwarted by the mischievous and unmanageable scheme of colonization; while he believed he could more effec-

tively serve the cause of freedom in the wider field of the traveling ministry, in which Woolman had labored with such remarkable results. In 1832, when the anti-slavery agitation had reached its fervent heat under the inspiration and leadership of Garrison, Mr. Osborn gave his heart to the work with renewed zeal. While in England in that year he met Elliot Cresson, an agent of the American Colonization Society, who begged him not to say anything that would hinder the raising of funds in aid of its work; but Mr. Osborn replied that he would not cease to expose its evil designs at home and abroad, and he made Cresson's mission a failure. His anti-slavery zeal fully kept pace with the multiplying aggressions of slavery, and, in the winter of 1839, he visited the eastern states, where he found the dominating influences among Friends decidedly opposed to his testimonies, and inclined to keep him silent, but he would not be fettered, and spoke out his whole mind freely. Some of his sermons were reported for the anti-slavery newspapers, and these lines of Whittier, inspired by a similar circumstance, were quoted as fitly applying to this intrepid assertion of the right of free speech:

"Thank God for the token! one lip is still free—
 One spirit untrammelled, unbending one knee;
 Like the oak of the mountain, deep-rooted and firm,
 Erect when the multitude bend to the storm;
 When traitors to freedom, and honor, and God,
 Are bowed at an idol polluted with blood;
 When the recreant North has forgotten her trust,
 And the life of her honor is low in the dust—
 Thank God that one arm from the shackles has broken!
 Thank God that one man as a *free-man* has spoken!"

On his return to the west he found that the ruling spirits in the Indiana Yearly Meeting had also taken a very decided stand against the abolitionists. The colonization members of the society, by some strange and unaccount-

able means, had gained the ascendancy over its anti-slavery members, and he was greatly troubled in mind respecting the situation in which he found himself placed. In the year 1841 the Indiana Yearly Meeting sanctioned a letter of advice which had been previously issued by the meeting for sufferings to its monthly and quarterly meetings, forbidding the use of their meeting-houses for anti-slavery lectures, and the joining in anti-slavery organizations "with those who do not profess to wait for Divine direction in such important concerns." The meeting also advised against anti-slavery publications by Friends without first submitting them to "the examination of a meeting for sufferings." This advice was unauthorized by the discipline of the society, and directly opposed to the well-known practice of Friends on both sides of the Atlantic. It showed that the power of slavery, which had taken captive over religious denominations throughout the country, had at last crept into the society, and was dictating its action. Charles Osborn was then a member of the meeting for sufferings, which is a delegated body in the society acting under appointment, like a committee, to transact important business in the interim of the regular sessions of the Yearly Meeting; and he and seven other anti-slavery members occupying the same position declined to obey this prohibitory advice. In doing so they justified themselves by the discipline and usages of the society and its well-known testimonies against slavery. They felt imperatively bound by their consciences to take this course, and that to do otherwise would be to recognize the infallibility of the Yearly Meeting and its right to bind them in all cases whatsoever. For this action these eight members were summarily removed from their positions as "disqualified," and their places filled by those who were willing to become the instruments of the Yearly Meeting in its warfare against the abolitionists.

What was to be done? These men had not violated the discipline of the society, or gone counter to any of its recognized practices and testimonies. They were not accused of any unsoundness in doctrine; and yet, without any formal charges of misconduct in any particular, and by an act of wanton usurpation, they were degraded from the places they had held. They begged that the reasons for this action might be spread upon the minutes as a matter of simple justice to themselves, and in order that they might not stand recorded as transgressors, and Mr. Osborn pleaded for this in a speech of much power and full of pathos and tenderness; but this petition was disregarded, and the perfectly unprecedented and arbitrary proceeding was carried out. If they submitted to this act of despotism they would be sharers in the apostacy of the society from its testimonies, and fellow-laborers with it against the slave. If they persisted in their disobedience they would, of course, be disowned for thus obeying their own consciences. They saw but one honorable or decent alternative. As lovers of the Society of Friends, and sincere believers in its doctrines and discipline, they could go out of the body which had cast them off for their anti-slavery principles and violated its discipline for that purpose, and organize a society of their own, with its machinery of monthly, quarterly and yearly meetings, and free from all pro-slavery domination. This they did, styling themselves the Society of Anti-Slavery Friends. They were driven out of the old body for their abolitionism, and Charles Osborn was spoken of as "gone, fallen, and out of the life," for no other cause. This occurred in 1842, at the yearly meeting which gave Henry Clay, the owner of fifty slaves and president of the American Colonization Society, a seat among the ruling elders, and who, in a public speech the day before, had declared that "the slaves must be prepared for freedom before they can

receive that great boon," and that "the Society of Friends take the right stand in relation to this subject." History was thus repeating the old story of "Pilate and Herod friends," and illustrating the desire of the society, as expressed by its meeting for sufferings in 1841, to "retain the place and influence" which it had "heretofore had with the rulers of our land." There was a peculiar sting in the saying of Mr. Osborn afterward that these Friends "deemed it a departure from the well-known principles of the society to do anything in the anti-slavery cause without a divine impulse and clear opening in the light of truth leading thereto; but for their opposition to the abolitionists they had no impulse, no opening, to wait for."

It will probably be news to thousands that the Quakers thus succumbed to the power of slavery; but such is the melancholy fact, and they have no right to "escape history." Among the rank and file of the body in Indiana there were doubtless very many true anti-slavery men; but at the time of which I speak the chief rulers believed in colonization and gradual emancipation. They took special pains, in dealing with legislative bodies, slave-holders and the public, to inform them that they had no connection, in any way, with abolitionism. They so assured Henry Clay while in Richmond. Leading members frequently reiterated the charge that abolitionists had "put back the cause of emancipation"; and some of them insisted that aiding slaves on their way to Canada involved men in the crime of man-stealing. Many of the rulers of the denomination in the eastern, as well as the western, States had "their ears filled with cotton." They discoursed very piously about the attempt of abolitionists "to abolish slavery in their own strength," and argued that paying men for anti-slavery lectures was opposed to the Quaker testimony against a "hireling ministry." Ministers, elders and overseers, took the lead in these reactionary proceedings;

and it was one of the curiosities of human nature to find the followers of John Woolman and Anthony Benezett laboring with their brethren for attending anti-slavery meetings, closing the doors of their churches against anti-slavery lectures, and setting up a system of espionage over the publication of anti-slavery articles by members of the society. Such men as Isaac T. Hopper, among the Hicksite Friends, and Arnold Buffum, among the Orthodox, were disowned for their fidelity to the slave. This work of proscription was generally based upon some false pretense, as was the fact in the case of Mr. Buffum. In dealing with Mr. Osborn and his associates, the Indiana yearly meeting did its best to cover up the ugly fact that they were degraded on account of their anti-slavery principles. With great dexterity in the use of scripture, much circumlocution, and a cunning and tergiversation that would have won the heart of Talleyrand or Loyola, they played their game of ecclesiastical tyranny; but the facts of the transaction, as now seen in the clear perspective of history, leave them perfectly unmasked. I have carefully examined the documents and papers pertaining to the controversy on both sides, and speak from the record. Strange as it may seem, the claims of justice were so completely subordinated to the peace and unity of the society that even a deputation of English Friends, who came over as mediators in this trouble, utterly refused to look into the merits of the controversy, and insisted upon the unconditional return of the seceding members to the body which had so flagrantly trampled upon their rights. Humanity was forgotten in the service of a sect, and Quakerism itself disowned by its priesthood.

But the anti-slavery movement took an unexpected turn. The annexation of Texas and the war with Mexico roused the country, and poured a flood of light on the character and designs of the slave-holding interest. The

anti-slavery agitation of 1848 and the passage of the Fugitive Slave Act of 1850 brought large reinforcements to the cause of freedom. The repeal of the Missouri Compromise and the struggle to make Kansas a slave State still further enlightened the people. The dullest scholars began to get their lessons. Slave-holding madness so anointed the eyes of the people that the cloven feet of abolitionism disappeared, and the Quakers, like other religious bodies, began to take a new view of their duties. "The world," on which they turned their backs in 1841 to avoid its "contamination," had at last taught them more wisdom than any "divine impulse" had ever been able to impart. They became themselves abolitionists, and gloried in the very cause which provoked their contempt during the ugly apostasy they had parenthesized into the beautiful anti-slavery record of the sect.

But did they do justice to the men they had persecuted for righteousness' sake? Did they make any official acknowledgement of the wrong they had done, as did other religious denominations in like cases? No. Individual members solicited the seceders to return to the fold. They said to them, "Come back to us! No questions will be asked, and no conditions exacted. Make no disturbance, but come and go with us." Most of the seceders finally returned, but some of them demanded an amendment of the minutes of the society which should recognize the injustice done them for their anti-slavery fidelity. This was denied in all such cases, and they stand on the records as "disqualified" members. Charles Osborn died in 1850, a grieved and sorely-disappointed old man, and his grief would not have been assuaged if he could have foreseen the action of the society in refusing to correct its records after it had espoused the very principles for the advocacy of which he had been exiled from its bosom. Harshly and unjustly as he had been treated, he would scarcely

have believed this possible. But the society was handicapped by its record. Much as it owed Mr. Osborn, morally and spiritually, its love of consistency and the cravenness of human nature triumphed over its conscience. It could not do him justice without condemning itself. It could not espouse his cause as a faithful minister of the Gospel and an anti-slavery prophet without advertising its recreancy to humanity and its injustice to a great-hearted and brave man.

But the friends of humanity, irrespective of sect or party, should join in fitly honoring him. During his life abolitionism was a despised thing. He did not live to see the glory which was so soon to come, nor anticipate its coming. As to his reputation, he took no thought for the morrow. The newspaper which proves his right to be ranked as the first of our anti-slavery pioneers seems only to have been preserved by an accident. The memory of other faithful pioneers has been carefully and lovingly guarded; but history has slighted his record, and liberty, in searching for her jewels, has strangely overlooked his name. Touched by these facts, and believing that "no power can die that ever wrought for truth," I have felt commanded to do my part in the work of adding a new star to the galaxy of freedom, a new name to the roll-call of reformers. If I have succeeded in any degree in this labor of love, I shall rejoice; but, in any event, I shall share the satisfaction which attends a sincere endeavor to serve the truth.

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FOR THE COLUMBIAN YEAR

BY
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TO
HONORABLE WILLIAM H. ENGLISH,
PRESIDENT OF THE INDIANA HISTORICAL SOCIETY.

THE MAN IN HISTORY.

Ladies and Gentlemen:

Man and History! What are the ideas which these two transcendent words bring before the mind of the inquirer? In what manner—by what evolution of thought and imagery—may we justly estimate the great facts for which they stand, and determine their relations and dependencies in the drama of the world?

I am not unaware that for the problems here vaguely suggested some of the greatest minds of the ages have essayed an answer. The thinkers of the Old World and the New, in ancient times and in modern times, have sought with varying degrees of approximation to reach a just concept of the thing called History and of the place which Man has in it. In the luminous thought of the great Greeks the problem of the event and the man—of the maker and the thing made—hung like a haunting shadow. Already by that most intellectual of all the peoples of the earth history was studied both in its facts and its philosophy; but the bottom questions of the inquiry remained nebulous and unresolved. Then came ages of eclipse and darkness. There were vast reaches of intervening barbarism, flecked with dim patches of light at Alexandria, at Cordova, at Florence, at Rome, and anon at Paris and the Bridge of the Cam. In modern times the mind of man has recurred as best it may to this grandest of all the departments of human inquiry, and has wrestled with the

chaos which the warring races of mankind have piled up along the far horizons of the world.

The dawn of the new era of human thought—the coming of the time when the intellectual sphere should be sufficiently widened to consider rationally the history of our race and the philosophical place of man therein—has been long postponed. It has remained for our own age to solve many of the riddles transmitted from the ancient world. The mind has begun to rise at last to higher concepts and grander visions of the vast landscape, and to note the metes and bounds of man-life on the earth. Without doubt, the landscape has not yet been wholly cleared of fog and shadow. It is only the beginning of the cosmos that is to be. It is the day-breaking of a great intellectual epoch the like of which was not even conceived in the dreams and hopes of the ages past. We have come to the morning. Of the nineteenth century it shall be said hereafter, “At the evening it was light.” The nebulae in the ethereal spaces, long floating, dim, cloud-formed, swan-like in the depths around us, divide themselves into shining worlds, and new systems of order and beauty rise on the right hand and the left.

These systems of order, which indeed the mind of man has not created, but has only gone forth to discover, are not so much material as they are intellectual and spiritual. This age is to be known hereafter for the discovery of new worlds hitherto unfound or only vaguely conjectured—new worlds not of matter, but of thought and truth. In the visible heavens Mars and Jove are no longer the Mars and Jove of the old mythology, no longer the far-off planets of Kepler and Herschel and Leverrier, but the revealed worlds of Holden and Pickering and Schiaparelli. They have rolled out of the cloudland with their satellites, their continents and shores, with their lakes and canals and vital atmosphere. Shall we not also say with their living men?

In like manner in the sky of thought the revelation of things hitherto unknown has come, as if by glorious discovery. There the vast system of Evolution, explanatory of the method of creation and all progress, has been found, with its beautiful concomitants of law and order, with its sublime principles of life-history and its inspiring promises of the things to come. There also has been found the planet of Human History, now first discovered in definite outline and sunlit disc, *felt* only hitherto as Uranus was felt by Adams ere the astronomer beheld it with the eye. History like the other worlds has taken its place under the magnificent reign of law; her planetary orb is clear and bright; her continents and her seas are there; there are her rivers and her thoroughfares; her mountain chains and her lakes of bubbling silver.

Than this no greater world has been discovered in ancient or in modern times. Than this Galileo himself with his little telescope in the old tower of St. Mark, with the skeptical doge beside him, beheld not a more glorious new system of worlds and stars. They indeed shall grow old and go out in darkness; but this New World of Man-life, passing out of chaos into order and law, is of the substance of truth and eternity. Like the orbs above us, history has emerged from chaotic fire-mist and cloud, and has rolled in clear outline upon the vision. Through the halo and splendor of the new morning we see men with sunlight for garments and with flaming sandals, walking as the trees along the luminous horizon of life.

But what is History? That is the great question with which we are concerned. In what outlines does she reveal herself, now that she has become cosmic and beautiful to the eye of science and of poetry? History is no more, as she was, a queen of shreds and patches. She is no more chaotic, lawless, perturbed, distraught with wild visions and broken dreams. Let us see, if we may, what

manner of creature this is which the better thought of our age has made visible to our senses and understandings.

In the languages and thought of men the word history has had meanings not a few. The diverse senses of the term have confused, almost confounded, the understanding of the inquirer. First of all, the word history has been used as the name of those puny writings, those formal narratives of events, which men have produced and in which they have attempted to record the annals of the past. It was in this sense that the Greeks first coined and used their word *historia*. It was written story, a narrative of things done and accomplished by men, a statement of facts and principles. Thus began the man-made transcript, the poor picture which the ingenious mind by the unstable vehicle of human speech has sought to delineate on paper, to carve on stone tablets, to print at length with movable types, to bind up in books, and to set in libraries as the story of the world.

History, in this first sense, is the thing as man has seen it, and said it, and transmitted it to his fellows. Rather is it his *picture* of the thing; it is his little ambrotype printed on sheet of tin—his photograph done cunningly on film of paper. He has set up his camera and looked through it at the world. He has covered his head with the black cloth, fixed his focus, and looked forth at the little inverted images of the landscape. Lo, in that landscape are rivers and plains, interminable forests, precipices with gnarled oaks and eagles, vast mountains capped with snow, green earth stretching to infinite distance, and giant clouds floating on high, wrought into shining palaces and islands of light and glory! And yet this poor ambrotype, this photograph, two inches by four, written into dead miniature with sun-pencil through an inch-broad lens of glass, is supposed to contain the landscape! Such is the confusion of human thought that the picture is confounded with the

landscape, and the names of the two are mixed and interchanged! The photograph, dim, obscured, blurred, less than a palm-breadth, traced with dead lines on perishable paper—this is history! This is agreed upon as the adequate transcript of the vast arena of the world, filled with life, brilliant with sun and air, tossing with activities, shadowed with infinite griefs and luminous with eternal hope!

Strange it is how long mankind were satisfied with insignificant *pictures* of the life and deeds of men! It seems to suffice that the mind had become curious to know the past, and had sought to reproduce it with letters and monuments. To this day, in the half-gloom of libraries the world over, assiduous scholars, thinkers whose eyes have been dimmed with years of application, iconoclasts with ax and torch, ambitious neophytes and wrinkled sages sit poring by daylight and lamplight over the faint lines of the man-made pictures which we call history! Out of *that* they would discover the past, determine the laws of human society, and reorganize the world.

There is thus, first of all, a written history, small, indistinct, obscure, disfigured with prejudice, seen crosswise with strabismic eyes, streaked in every part with the taints and obliquity of the minds by which it has been produced. But let not any condemn this poor record of the world. Rather let us guard it and admire it as the greatest legacy transmitted by the human race to its offspring. For by this we know whatever may be known of the past. Let it be noted with care that written history, however imperfect and meager, however blind in its transcript and explanation of the order and processes of man-life on the earth, is our only resource. Without it all the past, of which indeed we know so little, would suddenly resolve into the darkness of oblivion and be seen no more forever.

If written history were destroyed, our knowledge of the career of our race could never be regained. Other things

may be restored or built anew. All science, for example, might be quickly recreated if every word that man has written on scientific subjects were suddenly struck into night and silence. All those vast philosophies with which the human reason has so much beguiled itself might be made again out of the original materials. If every paragraph and line which has been penned on abstract inquiry were reduced to gas and ashes, the whole might spring anew out of the soil which first produced it. So also of other achievements of the mind and hand. All architecture and arts might be done anew, or by restoration, if the real architecture and arts of past and present ages were swallowed into dust and darkness.

But not so written history. Who could reconstruct a single paragraph lost from the records of the ancient world? If written history were destroyed, to what should we appeal in the hope of recovering our knowledge of the past? A few hints might still be gathered from architectural remains. Possibly something might be reconstructed by studying the existing laws of human conduct, and by tracing backwards for a short distance the lines of dim tradition; but for the rest, our knowledge of the world gone by, of the emergence of human tribes from barbarism, of the development of our race into nations and peoples, of their rise into greatness and their descent again into shame and savagery, depends wholly upon such records as ingenious man has contrived for the transmission of his deeds and fame to after ages.

This record then is history—as the ancients understood it. It is an account of events and institutions, done with such poor skill as the writers have possessed. It is an imperfect, an interrupted narrative of the rise and fall of nations, of the transformations of society, of particular episodes in the evolution and whirl of mankind, and especially

of the part which the great actors here and there have taken in the drama.

But what does written history signify? What is implied in the existence and study of such a fact as a historical work? Is it possible that we are curious with a mere book of records? Or do we look for something else? Do we study a book when we study history? More properly, may we find history in a book? Is this the thing for which we are searching, or do we not seek another? Do we study history—written history—merely as we would critically consider a literary product? Or do we look through it and beyond it to the things which it seeks to reveal? Is there not another and real history of which the book-history is but a passing shadow? Is it the shadow or the substance which we would discover and understand? Do we not easily perceive that all written history considered in itself is but a mere simulacrum—a reduced dead image of some great fact as much more sublime than the transcribed images of the printed page as the open heavens with their galaxies and rolling worlds are more sublime than star-maps and orreries?

It is questions such as these and the answers to them that have brought us at length to look through all written history to the *real* history beyond. In truth, the real history is the only history, and the rest is but an image. Indeed, we scarcely any longer in the more exact and scientific language of our day use the word history of the literary reproduction, but only of the facts and events which are reflected therein. He who studies astronomy may be interested with the telescope; but the telescope is not the stars. He may concern himself with the lenses and the adjustment, with the chronometer and the mounting, with the machinery of the dome and the record of temperatures; but none of these things are astronomy. The astronomy is yonder. The telescope is but an eye through which the

real astronomy is discovered. The circle and the transit are but means to the end of that star-lore the seat of which is far away on high.

In like relation stands all book-history to the real history of the world. The real history is the event, and not the reflection of it in some poor labored page done by the groping genius of man. The real history stands far off yonder in the past. It issues out of primeval shadows and darkness. It comes hitherward on trial marches, turning in this direction and in that as it moves among the mists and shadows of the dawn. It covers itself with mythology and tradition. It shows itself in tribe-life and clan-life. It swings great clubs in battle with the wild beasts of the primeval world. It makes its home in caverns, in lake-villages, in rude tents, by the wave-washed shores of the sea. It issues into nationality. It founds cities and creates institutions. It becomes conscious and instinct with rational activities. It throws off its barbaric raiment and puts on the habiliments of the civilized life. It builds temples and palaces of stone, and adorns its structures, reproducing in the forms of art the concepts of the mind. The epic and the lyric are heard above the resonance of clashing shields. There is noise in the porches of senate-houses and councils in the chambers of great kings. Civilization begins her stately advances, and the world is planted with commonwealths and empires. Commerce on white wings traverses all seas. All coasts and oceans, from the Great Dipper to the Southern Cross, are visited by the adventurous sons of men. They join hands around the continents, and girdle the earth in final internationality and peace. It is a drama, with mankind for the actors, the earth for a stage, and the downhanging sky and clouds for curtains.

This is real history—history in the *second* sense. It is the great movement of the human race from its beginning

to the consummation of its career. It is an action vast as the world and long as the measuring-reed of time. It is a scene so tremendous and vital in all its parts that the most lucid narrative of the stage and the actors is but a passing glimpse, a mere image of frost-work and evanescent shadow.

We thus fix our attention upon the thing—the event itself—and call *that* history. We discover the character of events, their form and substance, the aspect which they show to the understanding, their transformation and changes. We note with wonder the variety of the facts in the human panorama. Some are transient as the wind and dew, and some seem fixed and eternal as the mountains and skies. Some events are of a kind to change the surface of the earth; to put refinement for barbarism; to substitute orchards for thickets and fields for forests; to make hillslopes into terraces; to turn the channels of rivers; to beat the grassy plain into a blistered mustering-ground under the tramping feet of armies. Other events change the nature of man rather than the aspect of the world. They are the institutions such as he seeks and creates for the gratification of his desires and the freer exercise of his powers. They are the family, the community, the state. They are social systems, priestly systems, military systems, and systems of economy. They are schools, gymnasia, assemblies of the people. They are customs made into laws, mythologies becoming science, and commotions and wars wrought into constitutions. They are industries and arts, commercial systems and the intercourse of the people. All these, whether concrete and visible to the eye or abstract intellectual forces playing upon the sentiments and purposes of men, are a part of the facts and events which constitute the real history as distinguished from the book history of mankind. They are extended through time and space. They spread over

continents and seas. They establish themselves on remote shores. They flourish in ancient river valleys. They clamber up

. . . "Castle walls
And snowy summits old in story."

They move along vast thoroughfares, worn smooth with the pattering feet of nations through ages of migration and travel. They penetrate the jungles of the tropics; voyage from land to land, and fix themselves in the very snows from which the borealis flames up and clutches with its tulip fingers the spokes of Charles's Wain.

It would appear that having passed from the written page to the consideration of the real history of the world—having substituted the momentous facts and events in which human life has displayed itself through the ages for the poor pictorial delineations of the printed leaf—we might with that be satisfied. Having found the event and named it history, we might well say "Eureka," and rest. But the progress of inquiry forbade the pause and demanded an additional interpretation. For a time after the attention of thinkers and historians was turned from the written to the real history, from the story to the fact, that seemed to satisfy; but within our own age it satisfies no longer. That kind of historical inquiry which consists of the consideration of the facts and events in the career of mankind took the place of the romantic story-telling which had formerly held sway, and men believed they had discovered the true history of the world; but the time came when the study of mere facts and events, disconnected and regarded singly and without respect to the laws of their sequence and evolution, no more could satisfy the demands of reason.

Now it was that science and philosophy entered the arena. Now it was that with the increase of light and knowledge another and higher concept of history was

gained. It became evident that the facts and the events of our human drama, however perfectly investigated and known, do not of themselves suffice. It was seen that unless the laws of order, arrangement, and causation could be applied to the phenomena of man-life, a knowledge of its aspects and partial developments was of no avail. Dimly at first, and more definitely afterwards, it was discerned that the principles of scientific knowledge must be applied to the events of human history and the events be thereby interpreted in their relations and dependencies, else all the painstaking delineations of mere facts, all the pictorial descriptions and romantic episodes with which the libraries of the world are crowded, are but inane and empty images.

The mind stood before the problem just as it has stood at a certain stage in every department of physical inquiry. For ages the planets were seen wandering through the zodiac. All of them as far out as Uranus had been found and named and studied. The old star-gazers of the Mesopotamian plain, the sages of Egypt, the Arabian astronomers of Spain, and the scholars and poets of the Italian cities had viewed the planetary worlds and marked their motions. But none as yet perceived that a planet was other than a planet. It was simply a wandering star. It moved from place to place, and was known as a fact in the heavens. Even its coming and its going were noted and foretold. All the nearer bodies of our cluster were seen and curiously traced in their capricious movements across the skies. The phenomena of the heavens were recorded in maps and charts. The sun's face was darkened in eclipse, and the moon at intervals hid herself in the ominous shadow of the earth. The facts were known, but they had no connection or significance to the understanding. Suns and worlds were discovered, but not that *system* of worlds of which they are but the component parts.

Overhead was the vast concave of the sky, studded with points of fire, and flushed day by day with the glories of the sun. But system there was none. Each fact took its own course, and was unbound with law or correlation. It was not even imagined that a great cluster of revolving spheres was fixed about our central globe of fire; much less was it dreamed that the sun himself is only a minor star in a larger system and galaxy of worlds swimming nebulous in the infinities of space.

Behold how all this by the aid of the telescope has been resolved! Behold how the revealed laws of gravitation bind it together into one! Behold how chaos passes away, and cosmos is instituted in its stead! System rises on system, until the universe is seen to be whole and consistent to all its infinite borders. Further inquiry shows us the more complete dominion of law. Unity appears under all the archways of eternity. All isolation passes away. No part of universal nature is any longer detached. Not even a meteorite dashing with portentous train of flame across the heavens is broken from the system of eternal order. No comet, diving up or down, wheeling feather-like around the remote turning-stakes of its orbit, but obeys the behest, and holds fast its place under the reign of law.

We need not pursue the illustration. All nature on the earth beneath and in the skies above becomes organic and whole. The arrangement, the order, is seen. The systematic construction of the universe appears, and is demonstrated with the certitude of the calculus. As to material nature, unity has come, and system is established in all her realms to the uttermost periphery of space.

How then shall it be with the historic phenomena of the world? These phenomena until the present age of inquiry have remained in the condition of the planets and stars before Galileo and Copernicus, before Newton and Kepler. The facts and events of the historical drama, like the

worlds on high, were found aforetime and followed for certain distances along their tracks of dawn-light; but the tracks of dawn-light began and ended in darkness. The human world was a world of isolations, of broken parts, of disconnections and capricious individualities. The idea that the parts of man-life are bound together by the threads of law and order had not yet been caught by the greatest minds of the world. The concept that a general motion might be discovered among the fragments of our past had not yet risen upon the tallest genius of mankind. There was order in the skies, and disorder on the earth. Law was established above us and lawlessness around us. Our human universe was piled and heaped in every part with the activities and institutions of mankind; with the relics of ancient civilizations; the ruins of cities and states; the fragments of constitutions and the waste cargoes of fleets and navies; but these appeared to the thought and imagination of the age only as a chaotic flotsam and jetsam of the seas, blown up by lawless winds and thrown in disordered masses along the shores of time.

It was necessary that a new concept should at length be reached of man-life and its phenomena in the world. The reign of disorder could not last forever. The idea must at length suggest itself that as in material nature so in the universe of life and action cosmos reigns, with law for his Minister of State. This concept came, and with it the first true notion of the history of the human race. Order appeared, and the facts and events of the world began to arrange themselves into a systematic whole. The firmament of waters was divided, and the dry land was seen. The laws of sequence and causation reached out silently and sublimely over the facts and events of our race-career, and history arose like a beautiful exhalation of the morning.

One of the most remarkable stages of human progress is

that in which the mind first passes in historical inquiry from the contemplation of the disordered facts and phenomena of human life to the laws and correlations whereby they are bound together. It is an advance from the materialities to the spiritualities of history. With the progress of knowledge it was at last perceived that the study of facts and events, however completely those facts and events may be investigated, is not the study of the real history of mankind. That study has advanced already from the book to the event, and it now advances from the event to its *causes and relations*. History becomes philosophy in the highest sense of that great word.

At first the law of universality among the affairs of men was not discovered; but it began at length to be discerned in partial applications here and there. At first it was noted that this group of phenomena and then that group was bound in its parts by the principles of causation and sequence. Then higher and more far-reaching relations were discovered. Facts which had hitherto been supposed to be remote and dissociated were seen to have a necessary and binding tie. One event was seen to follow the other as its result; the one sprang from the other as its cause. It was perceived that, though continents of space and vast reaches of time intervened, the event yonder had to the event here the relation of cause and effect, and that without the one the other had never been.

The central principle of the New History is this law of universal causation. The bottom concept of it is that everything is caused and nothing causeless; that every fact of our human drama, whether material or immaterial, simple or complex, ephemeral or eternal, is linked to some antecedent fact or facts as its cause and to ensuing facts as its results. There is thus a concatenation of all events soever on the right lines of cause and effect, of antecedence and consequence, of originating force and final re-

sult. A law of the correlation and conservation of forces is present and recognized in all human affairs as well as in the facts and processes of the material world.

This notion of the regularity and order of all human affairs has firmly fixed itself in the mind. The vision has widened. Further and further the deeds and institutions of mankind have been traced in their connections and dependencies, and everywhere they have been found to cohere in a common system. The concept of universal relation and dependence has flashed upon the thought. A few of the bolder thinkers have declared it. It has come like the Newtonian laws for the heavens, like the Darwinian discovery for the natural history of life. The new notion of the human drama has adjusted itself with beautiful fitness to the vast panorama of events, and the old notions of disconnection, of disorder, of isolations and individualities, of caprices and interferences have passed away like the shadows of night.

This advance from the consideration of mere facts and institutions and men—regarded aforetime as the be-all and the end-all of the inquiry—is the *third* estate of history. It is the stage of Order and Law. This is the New History which has substituted the sequence of events for the events themselves, and the law of causation for the law of chance. The New History has planted herself on the relations and movements of the man-world, and order and progress have become the key-words of her empire. She has lifted the mind to a point of observation from which our race-career may be viewed as a whole, may be seen moving forward by steady and orderly sequences from stage to stage in a determinate course from the beginning, through the middle, to the end of human activities on the earth.

The true history of man, of society, of civilization, is now seen to consist of a progress and betterment in all re-

spects analogous to the evolutionary processes of material nature. The one movement is as perfect, as ample, as absolute as the other. The one as little as the other admits of exceptions, contingencies, and variations of the common law. The life of man is as whole as the life of nature. The life of the race is as complete as the life of the universe. The events in which man has been the actor and the institutions which he has created have their sequences and developments in an order as definite as that which determines the crystallization of minerals, the succession of the seasons, the cycles of the forest. The history of mankind is, in a word, one complete and ample web with not a single outhanging thread or broken nap or raveled selvage in its whole time-woven fabric. We might as well attempt to find in the material universe some particle of matter over which gravitation's law does not extend, binding it to all the rest with a force proportional to its mass, as to seek to find in all the vast expanses of history one human atom which is not bound in organic and vital union with the whole, correlated with all the rest, and essential to the equipoise for time and eternity!

This absoluteness, entirety, and evolutionary progress of all the parts of the man-drama in the world is the beginning and the end of history. The gaining of an adequate notion of this sublime truth is the alpha and omega of historical inquiry. The race becomes one. Its deeds and aspects are the parts of a single evolution. Its events and its institutions are only the phenomenal expressions of a common and universal life. Its seeming ascents and descents, its irregularities and twistings, its deflections to right and left, are but the visible stages, the optical illusions, of one unvarying forward march from the barbaric forms of our primeval estate to the sun-blazoned and glorious activities of an enduring and perfect civilization.

The discovery of the oneness and universality of human history has come late; but having come, it prevails. It is like the newly discovered laws of the material world. We have seen how those laws were extended by inquiry from isolated facts, from individual instances, from small groups of phenomena, to larger and still larger assemblages of facts, until the whole of material nature has passed under the dominion of law and has become a unit. In the same way the integrity of history, its oneness and continuity, its completeness and absoluteness have been established. The analogy of the inquiry by which the unity of material nature has been demonstrated with that which has confirmed the unity of man is final and complete.

Every branch of physical science has proceeded along the same lines which have now determined the principles of the New History. Our belief in the essential unity of the human race and of all its historical developments has been fixed by the same reasoning which has brought us to a knowledge of nature. Geology is not so much an account of the discovered and discoverable facts of the vast rocky beds beneath our feet as it is an exposition of the laws by which, with chaos and upheavals, our ancient globe of turbulence and fire has been transformed into order and beauty and made the abode of life. Biology is no longer a mass of descriptive delineations of the plants and animals inhabiting the earth, or even of their environment and manner of existence. Rather is it the tracing of the lines of development from the ever-lower to the ever-higher orders of life; the discovery of vital sequences and successions; the finding of connections and dependencies among the different orders of living beings; the demonstration of the means by which the varieties of life have been deduced from the common original of all. Astronomy is not the study of planets and stars, but the investigation of the laws and motions which make the

sidereal heavens a universe of order. They who are skilled in star-craft are no longer concerned with mere descriptions of isolated worlds and suns, or even with the systems into which they are gathered, but rather have they bent their energies to the discovery of those vaster laws which determine the birth and death of worlds. It is the processes and general progress of the starry spheres, the tendencies which the universe discovers of its own origin and destiny, that now absorb the interest of those great thinkers who from the mountain-tops of four continents are peering into the depths of space.

So also of human history. It is not the book-written account of the man-drama of the world—not merely the facts and events, the phenomenal aspects, the isolated situations and developments of the human race—but it is the forward march of man. It is the movement of mankind from stage to stage. It is the causes, the relations, the dependencies, of all institutions and of all events. It is the cosmic arrangement of all things human into One Thing, and the integrity of that one thing in all its parts. It is the law of progress and amelioration, extending through all the deeds and all the works of man. It is the immaterial, the spiritual, thread which runs through and binds together in a complete and orderly evolution, not only the activities, the works, and purposes of mankind, but the human race itself from its undiscovered origin to its ultimate destiny.

It was of vast importance that this New History should come into the world and possess its thought and substance. It was necessary that the old history with its doubts and dogmas, its phantasms and chimeras should pass away. The concept of the extension of the reign of law over the affairs of the intellectual and moral world must come and prevail, in order that progress should be confirmed and civilization become rational and enduring. This trans-

formation of the substance and the notion of history is of immeasurable value to mankind. It is analogous to that great and salutary change which has passed over the human landscape from the recognition of law as the controlling principle of physical nature.

Of a certainty law has always reigned. We shall not suppose that the *discovery* of order and regularity among the parts of the material universe has altered the facts and principles of that universe, or changed either its course or constitution. The material and visible state which we inhabit was orderly and beautiful from the first; but the mind did not perceive it. All chaos is really in the mind, and not in nature. Nature has never been chaotic. Those epochs of world-history which have seemed to be lawless and devoid of order were so only to the extent of the weakness and blindness of that reason with which they were considered. The higher and stronger reason is able to discover that chaos itself is only the inverted side of order—only a part of the infinite cosmos which is over all.

While it is true that the order of nature has not been changed or improved or deflected by a hair's breadth from the lines of its predetermined course and unfolding; while the absoluteness and regularity of the material world have not been amended by any agency of man or by any change and improvement in his own views respecting his environment,—the *recognition* of order and regularity has brought to him the vastest benefit, being no less than the institution of the civilized and orderly life in the place of the life of barbarism. Until the perception of order and law in nature, man was necessarily barbaric. Here lay the weakness of the ancient world; it knew not order. The element of discord was in it—not indeed in nature herself, but in the mind.

Consider for a moment the poor and inadequate notions of the greatest minds of the ancient and mediæval ages re-

specting the laws and phenomena of nature. It was in vain that the Old World enlightenment strove to lighten. It could not illumine save in the narrow circle of the torch. A flat world and a concave sky could not contain a civilization fit to civilize. A ball of fire drawn in Phœbus's chariot across the sky could not dispel the darkness or fructify the world. Olympus sufficed for poetry, but not for the creation of a universe. The boundaries of nature were contracted around the mind; the sky was a roof, the earth was a floor, and the seas a rim of night and terror.

It is impossible for us to estimate the reactionary effects which the substitution of science for superstition has brought to the human spirit. The false and meager concepts which it held aforesaid respecting the world and universal nature are dissipated. The earth at length swings free in space. The mythological monsters that held it up and bore it on have melted away like the fog-specters of the Brocken. The roof has been broken from the skies, and the infinite depths revealed. The atomic secrets of nature are opened to the understanding; the laws of life begin to be discovered, and at last, with the coming of Newton and Darwin, there is day.

It can not be doubted that the knowledge of the laws by which matter is governed, nature directed in her course, and the equipoise of all material things maintained, has been of incalculable importance to mankind. The incoming of such knowledge has opened great vistas and illumined far-off landscapes. It has put back the torn horizon of cloud and superstition till it now rests but dimly on the illimitable seas of thought. It has made possible the belief in the steadfastness and orderly movement of all things in the heavens and the earth. It has furnished a resting-place and vantage-ground from which the spirit may look forth into a realm of universal order, promise, and hope. The result has been the birth of confidence, the unspring-

ing of truth in the human soul. Man walks no longer among the pitfalls of interference, caprice, disorder, and darkness, but proudly and firmly along the sun-lighted pathways of law and regularity.

All this is said of the rise of the physical sciences and the consequent improvement in the intellectual and moral state of man. If the discovery of the laws of universal causation and of the reign of order in the natural world has had so great an effect upon the mind and has planted therein the foundations of a new civilization, what shall we say of the acceptance of law and order as the vital principle in the affairs of men? Man-life, as well as world-life, has become orderly, evolutionary, and progressive. It has ceased to be a life of chance and confusion, of temporary liftings and recessions into barbarism, of patches of light and continents of darkness. What must be the tremendous results of this new concept of the history of mankind?

Certainly our world-drama was always under the reign of law. From the first day it was as orderly as now. It is only our altered station and view that have brought the change. The change from chaos to order is not in history, or our stars, but in ourselves. The life, the development, the activity, the deeds, and institutions of mankind were never other than regular and progressive; never infected with caprices; never blown into eddies and sand-dunes by whimsical winds along our time-worn shores. It is only our view of the sublime phenomena that has been blurred; only our thought about our race and its movement that has been darkened with doubts and distressed with fears.

No branch of merely physical science has been so important to the welfare of mankind as has the Science of History. None other has brought so great and salutary changes affecting the conditions of life and the progress of

society. We have had indeed a vast development of the sciences called natural. These include the new geology, the new astronomy, and the new biological exposition of the laws and natural history of life. All of these branches of inquiry have done much to alter and improve the prospects of the human race. By them the conditions of happiness and greatness have been brought near, even to the door. But the physical sciences—all of them together—are not equal to the noiseless, though well-nigh omnipotent, force of that historical science which has now asserted itself as the one supreme branch of human knowledge. It can not be doubted that an acquaintance with the laws and processes of human development,—the stages of evolution through which our race has passed, the principles of causation and sequence running through all the works, purposes, and institutions of mankind, the perception of the oneness, integrity, and completeness of the world-drama in which we are the actors and participants,—rises above and embraces all other kinds of knowledge as the sky embraces the clouds.

The discovery of order and unity in the affairs of mankind outruns the discovery of America and the discovery of Neptune. The belief in the wholeness and uniformity of all nature is not so important as the belief in the wholeness and uniformity of man. The concept of the unvarying, undeviating, and inevitable progress of the human race, of the absoluteness and indivisibility of its work and destiny in the world, overtops, if I mistake not, every other concept of which the mind with its present powers is capable. That view of the life of man, of human society, of peoples and nations, of the deeds which they have done and the institutions which they have created on the earth, of the wars which they have fought, the treaties they have devised, the unions they have formed, the empires and republics they have founded, the conquests they

have made—at least in part—over nature, and the subordination of nature's forces to the superior energies of the will,—this view of human life is the one view which gives coherence and sublimity to our man-world, and makes the Planet of History the greatest of the stars.

History in its newest and best sense is the foundation of the civilization that now is and that is to be. Inanimate nature is dominated by life. Life is dominated by intelligence and reason. Reason has its crowning expression in the mind and purposes of man. Knowledge rises through analogous gradations from material nature to human life. Science applies herself first to the lowest and afterwards to the higher and highest facts of the world. She first busies herself with air and fire, with the waters and the rocks. Afterwards she turns to creeping vines and flowers, to lichens and forests of pine. Then she rises to the consideration of animate existence. At length she reaches man, and makes him the subject of her study. She views him as an individual. She analyses his substance, his parts, and his powers. Then she weighs him as a member of a community, the personal fragment of a people, the atom of a race. At last she views him as a part, an infinitesimal part, of mankind, held by universal law to his little place and functions in a world of activity and reason.

Thus far the evolution of knowledge is strictly scientific. Passing on, however, to grander ranges of subject-matter and becoming historical in spirit and theme, science takes up the tribe, the clan, the family of migrating barbarians, the settling peoples, the growing nations, the outbranching and progressive races of men, and last of all the events, the institutions, the intellectual and moral progress, the hopes and aspirations of mankind. Upon all this the New History lays her hand. It is the last and sublimest stage in the evolution of knowledge. History, the first to be

sought by man, is the last to be revealed; first to babble, she is last to speak. Prating aforetime of gods and heroes, she now reasons of growth and law, of the development and unity of man. She views the human race as a single organic life under its own laws of evolution, growing, increasing in volume and capacity, and reaching out to all continents, subduing and occupying all, reducing nature to obedience and service, mastering the world, and finally turning to the consideration of itself as the highest entity and noblest expression of force within the domains of nature.

History is thus the summation of the wisdom of mankind. It is the knowledge and consciousness of the human race respecting itself, refined and sublimated to the last degree. It is the continent of all things else which we possess of intellectual treasure and civilizing force. It is that to which all other forms and elements of intellectual and spiritual aspiration go forth and into which they flow. History is that universal air in which all forms of light and beauty, smitten with sun and dew, flourish with blossoming and fruit. It is the river which draws into its channel all the fountains of humanity, all the water-brooks of thought. It is the ocean whereto the living currents of the world slowly and grandly make their way and with which they are at last resolved. From that ocean at the first they arose in invisible mist, and in it at the last they find their final rest.

In this world-drama where, then, stands the Man? Is he lost in the tremendous system that involves him, or does he still shine star-like in the spaces? Has the actor disappeared in the splendors of the play? Is he tossed like small dust with the machinery of a self-moving and ever-shifting stage? Without doubt, history is man's affair; and he is the principal affair of history. It is his because he is a part of it; because it is the great act in which the

destinies of himself and his kind are somehow endlessly enfolded. There is a history of matter, of that inorganic bottom which nature has laid under the feet of all. There is also a history of animated nature, of those irrational forms of life which inhabit the lands and waters of our globe. But in the better sense, history belongs only to man, and he to history. Whether he makes it or does not make it, thus much may be truly said, that he only is capable of knowing it and acting in it.

We have seen what the thing called history really is; that it is not a mere transcript of human affairs, not an isolated event, not a mass of material débris and struggling lives of men; but that it is all events and all human destinies bound together as the related parts of a common movement under the dominion of universal law. We have seen that it is the relations and correlations, the dependencies and sequences, the principles and laws of the facts and events of man-life which constitute the essence of history in its truest and noblest form. Where, then, in this great plexus of causation, this vast fabric of forces and changing developments, stands the man?

The inquiry is propounded, not of mankind as a whole, but of the individual. As to the human race, that may almost be identified with the thing called history. The one is commensurate with the other, and each is unthinkable without the other. Mankind in this larger sense is in its processes and evolutions history made visible. The one is the corporeal expression and visible form of the other. But there is still a difference between the human race and the history in which its life is expressed. There is a difference between the movement of affairs and the affairs themselves. There is a difference between the affairs and the actors. There is also a wide difference between events as they appear to the senses and judgments of men and the principles which control and determine them. Finally,

there is a difference between principles and laws and those movements and processes of human society to which the principles and laws apply. It can not be said that facts and events are men, or that men are events, or that the sequence of events is strictly a part of the activity and purpose of the human race. But we are here in deep waters, and are dealing with high abstractions in the manner of pure philosophy—a thing we would fain avoid. What we hope to elucidate is the place and the part of the man as an individual in the great aggregate of forces which surround him and bear him onward.

We may note, first of all, that a marked change has taken place in the relations of man to history as he has advanced from his place in primitive society to his place in the great society of the present time. If there were but one man in the world, his conduct would constitute the history of his epoch. We are wont to say that the conduct of man is determined by himself. He might, therefore, under the supposed conditions be regarded as the maker of history. As the head of a family or tribe his influence would still be great, and the event would seem to issue from him; but even in the simpler relations of primeval life his force and predominance would already begin to abate. Even when he stands alone the forces of nature would largely determine his activities and limit the event. Hunger would be his teacher, rain and sun his law-makers, the wind his secretary, and cold his magistrate. So that even when alone man can not strictly be said to be the *maker* of the history of his time.

With the coming of the larger forms of ancient society, man as man began to recede from sight. There were still great leaders in battle and song; but the race multiplied and man declined; that is, he became less potent as a causative force in the world. The event became prodigious, and the man small. As the race gathered vol-

ume it seemed to take a force and direction of its own, and to go forward on lines of development which were clearly not determined by any of its members. The events of the drama ceased to answer to the conscious plans and purposes of the actors, and began to respond more and more to general antecedence and causation. Such has been the uniform tendency of human affairs from the beginning until now.

Two general views have prevailed respecting the relations of man to history. One class of thinkers, in the face of the fact that the relative force of the individual has become less and less at each stage of the stately progress of the race, have insisted on regarding the man as the fountain-head of all historical events. Others, beginning with the same phenomena, namely, the manifest expansion and development of history as an organic and all-pervading fact and the comparative obscuration of the individual in the general volume of forces, have insisted that the man is naught; that he himself instead of being the causative agent is but the conscious product of energies and combinations of force that are over and above him, before him and after him, and wholly independent of his will.

Thus have arisen the two opposing interpretations of the place of man in history. The one, in its extreme and absolute declaration, is the doctrine of free-will and spontaneity applied to human affairs, and the other is the dogma of fatalism. The one would make man the cause of everything, while the other would make him the cause of nothing. The first would regard all history as flowing from the cogitations, purposes, and consciousness of the individual mind, and the other would regard not only the plans, desires, and will of the individual as proceeding from general causation, but the man himself, with all of his sentiments, beliefs, aspirations, and hopes as only the

necessary product of an antecedence which brings him into the world and shapes his destiny.

I am aware that at first view it appears paradoxical and impossible that history should proceed from any source, but from the man himself. *Prima facie*, it seems self-evident that he is the maker of the whole. Whoever merely glances at the problem must regard it as demonstrable that all affairs, all events, all movements and phenomena of the world-drama are but the products and results of the energies, intelligence, and purposes of men. Who but they, the inquirer may well demand, *could* be the origin of human events, the cause of whatever is? It seems so plain to the eye of sense that man does plan and purpose, that he does make and determine, that the fact does fall from his hand as the sword or the plowshare falls from the blacksmith's anvil,—that to doubt his agency, his origination, his creation of the event seems absurdly to question the evidence of all the senses and perceptions of the mind. How, therefore, can history be other than the work of the individual in collaboration of plan and purpose with other individuals like himself?

Opposed to this view, however, is the other to which we have referred. This changes completely the point of observation and makes man himself to be but the result of historical antecedence—the product of his age. That he is so seems to be established by many indubitable facts. The proposition that man is born and lives by the compulsion of his age becomes with little study a truth as palpable as any. Look at the individual at any time and in any country. Glance at his place in antiquity, in the mediæval ages, at the present day. Select the man from any situation whatsoever, and see whether he has to any extent determined even himself, to say nothing of the events of his epoch. Did he before his coming mark the time of his birth? Did he determine and choose his country?

Did he reckon the conditions of climate and scene into which he should be thrown, and the consequent limitations of his powers? Did he fix his birthplace in river valley? on mountain slope? in populous city? on solitary steppe? in moaning forest? by the pebbly beach of the infinite sea? Did he choose his race and blood? Did he select his own paternity?—his father? his mother? the physical and moral union of their lives in him? Did he make himself a Hindu? a Persian? a Greek? a fire-worshiper? a pagan? a Christian? Did he prepare beforehand to be a soldier? a poet? a priest? Could he fix himself by preference and will in Babylon? in Rome? in Peking? in London? Could he by prearrangement adjust the historical conditions into which he would be born, and of which he must avail himself or perish? Could he make for himself a scene of action among the Athenian democracy? the Roman patricians? the Gallic warriors? Would he be a Hun or a missionary? a Crusader or an Infidel? a prince or a boor? a fool or a philosopher? man or woman? slave or general? black, brown, or white? strong or weak? blind or seeing? dwarf or herculean? capable or incapable of action and accomplishment? Has any man in any age or country to any degree whatever influenced, not to say determined, the antecedent conditions of his own life and activities? If he have not done so, then how can he be said to be the maker of history? To make history he must first at least devise himself; and if he can not do that, how can he do the infinitely greater thing?

All questions implying the power of man to fix his own place and manner in the world must be met with a general negation. It must be agreed that man does not determine his place in history; that he does not choose his country, his age or his race; that he does not make the elements of his own life and activity; that he does not originate or greatly influence the laws and conditions of his environ-

ment. Nevertheless, he who holds the opposite view returns unvanquished to the battle and appeals vehemently to the truisms of his contention. He cites the manifest originating power and controlling hand of man over the incidents and events of history. He goes forward from material facts and conditions to abstract and moral considerations, charging the adverse opinion with absurd predestinarianism, with materialism, with every species of fatalistic philosophism invented by a blind and absolute science. Your history, says he, dethrones man and makes him of no reputation. It reduces him from an agent to a thing. It takes all will and purpose out of history and makes it to be but the aggregate result of physical forces, leaving it on the plane of a mere natural philosophy. Such a view is against the evidence of the perceptions of the mind and the common testimony of the human race.

What—continues the debater—is the witness of all observation and recorded annals?—what but that men themselves, individuals, persons either singular or many, have originated, caused, produced the facts and events of the historical drama? Who but man has reclaimed and peopled and civilized the domains of the world? Did any city ever found itself? Did ever a state begin of its own accord? Did ever any institution or event rise anywhere but by the uplifting hands of men? Did not Cecrops found Athens, and the Twin Robbers draw the ramparts around primitive Rome? Did not the legionaries of Claudius on the Thames bank build a fort to command the river and make the first huts in the metropolis of the world? Did not Moses and Solon and Numa Pompilius make laws for the Jew, the Greek, the Roman? Did not the son of Philip conquer Asia? and did not Hannibal shake his fist at Rome? Was Charlemagne nothing but a name? Were Luther and Cromwell only the open and unconscious mouths of religious and democratic insurrections? Was

Richelieu only a puppet, wired and pulled by fate? Was Napoleon only a barren ideality? Did not Omar the Great take Jerusalem, and Godfrey recover it? Do not men rear palaces and temples and adorn them with immortal arts? Did not Michael Angelo fling up a vision of angels and cherubim to the ceiling of the Sistine Chapel? and did not the Man of Genoa—even against the conspiracy of the age, the contempt of kings and sages, and the anger of the sea—bring his triumphant *Santa Maria* from the far-off, bright Azores to

—"Bahama, and the dashing
Silver-flashing
Surges of San Salvador"?

Did blind fate or the living man discover the New World?

Thus triumphantly cries out the advocate of man-agency and man-purpose as the originating forces of history. But the antagonist is not silenced. The believer in the predominance of the laws of universal causation merely smiles at the declamation of his adversary, and goes on. He takes up the unexhausted debate, and drives home thrust on thrust. Your argument, says he, is mere phantasm and stoneblindness. Men produce nothing—nothing! They control nothing—nothing! They contribute not a single feather-weight to the world. They give no atom to the aggregate of things material or things eternal. On the contrary, they are themselves like bubbles thrown up with the heavings of an infinite sea. There on the surface they flash for a moment, and are gone forever. Men do not, as you say, create the elements or direct the course of history. The builders of that sublime fabric are invisible to mortal sight. They live forever, and have power over all the phenomena of man-life, shaping and constructing all. The man lives for a day and constructs nothing. Cecrops did not, as you say, found Athens.

Minerva had been there before him and had planted the olive-tree on the Acropolis. She had contended with Neptune and driven him away! Cecrops did not make the site, but only discovered it. He did not discover it, for he was sent thither by history to find it! Greece had already been prepared in an alembic older than the Hellenic race. There was the broken shore. There were the hills and the mountains. There were the oak woods and Olympus; the grottoes and the whispering groves of myrtle; the cerulean sky and the hexametric pulse of the soft seas falling on the shore. There had been prepared the antecedent conditions, not only for Athens and Sparta, but for Cecrops and Theseus as well; for Agamemnon and Homer; for Lycurgus and Solon; for the Delphic shrine and the Parthenon; for the Olympic games and Salamis.

Into this region—as into all regions—history sent her law-makers and her poets. She dispatched thither her warriors and her orators, her philosophy and her arts. She it was who heaped up the tumulus of Marathon, and still sends there her spectral Greeks to fight in the clouds by night. She it was who urged Hannibal with his elephants across the Alps, and who held back Cæsar for a moment on the banks of the dividing river. She it was who whirled the battle-ax of the Lion Heart on the hills above Jerusalem, and who put the reluctant hand of John to the parchment of the Charter. In that trembling scrawl were the English Constitution, the freedom of the Netherlands, and the Declaration of Independence!

The advocate still continues: Did Alexander make himself? If so, he did *not* make Philip and Aristotle! The one as his father and the other as his teacher are accredited with making him! It might therefore better be said that Aristotle was the conqueror of Asia. But he also was the product of a certain paternity, and in a larger and truer sense the product of a certain age. Were the Draconian

laws the work of him whose name they bear, or were they only the bloody remnants of ancient savagery and night? Were the Ten Tables made or compiled? Were they anything but the reduced and simplified expression of immemorial usage? Is there any such thing as *making* a law in any age or country? What is a law-maker if not one whom history appoints to ascertain the thought and habit and purpose of some of her peoples? Neither Moses nor Zoroaster nor the camel-driver of Mecca was the maker of the code of Israel, of the Fire Bible of Persia, of the Arabian Islam. The Hebrew law may be found in broken fragments among the lore and usage of peoples older than Moses, older than the flight from Ur. How are constitutions made?—how but in the forge and fire of time and toil, by heat of war and rain and shine of peace?

Nations go to battle as the clouds enter a storm. Are there not unseen forces behind the one as well as impelling the other? Do clouds really fight, or are they not rather driven into concussion? Are there not unseen forces behind both the nations and the clouds? Are not battle-rack and cloud-rack alike in this, that the one is the result of the contending forces of history and the other the shock of electrical currents and fight of viewless winds? The visible clash is nothing. The armies and the leaders, whether on the earth or in the heavens, are but the visible signs of battle; and victory goes to him, whether man or cloud, that is flung with greater force and momentum against the other.

What was Rome but a catapult, and Cæsar but a stone? He was flung from it beyond the Alps to fall upon the barbarians of Gaul and Britain. What was Martel? The very name of him was *Hammer!* He was the hammer of Europe beating Africa. What was Alfred but the bared right arm of Saxon England? What was Dante but a wail of the Middle Ages? and what was

Luther but a tocsin? What was Columbus but the homing pigeon of an epoch of darkness and despair? What was William of Orange but the doubled fist of Holland? and Holland but the doubled fist of Protestantism? What was Washington but the unsheathed sword of our New World democracy? and what was Napoleon but a thunderbolt rattling among the thrones of Europe? He did not fling himself, but *was flung!*

Such is the cause in court. Such are the arguments with which each of the great pleas is supported. Here on the one side is the Man set forth as the Author of History; and here on the counter side is History set forth as the maker of the Man. The contention is as far-reaching as the origin of the human race, as strenuous as the cords that bind our destinies, and as profound as the seabed of life. The time has arrived for a charge and a verdict.

The whole tendency of this momentous inquiry respecting the place of the man in history has been to reduce the agency of the individual and to show the prevalence of the laws of general causation over the human race and its activities. Just in proportion to the illumination of the understanding and the widening of our field of vision has the acknowledgment come of a reign of law, not only in the domain of the material world, but among all the facts and phenomena of history. Every advance in our scientific knowledge, every correction of our reason, has confirmed what was aforesaid only a suspicion, but has now become a belief, namely, that the influence of man, as man, on the course of events in the world is insignificant. Though the event itself is human, the evolution rises above the agency of man and fixes itself into the general laws and sequences which bind all things together. As for the individual, he works at the event, labors upon it, imagines even that he shapes it with his hand; but he does not really determine its character or its place in the

general movement of the world. He is conscious of his own endeavor, knows his plan and purpose, perceives the changes that are going on around him in which he participates, takes this place or that place in the drama according to his will and the will of his fellows; but for the rest, the act goes on independently of his powers and plans, and the event comes out at length by its own laws of development, and is above and beyond the designs and understandings of men.

It is clear that history in its larger and truer sense is an evolution, more far-reaching and important than all the local and incidental aspects of human life. The man operates in it and is of it, but does not direct its course or final result. In the natural world every organic body is built up of cells by forces which relate to the whole structure. The cell is put into this part or that part according to the necessities and plan of the general organism. Each cell is seized and perfected by the agency of laws which have respect, not to itself, but to the larger life to which it is subservient. The cells are placed according to the fitness of things, and are made to conduce to an interest other than their own. Their life is swallowed up in the grander life that feeds upon them. They are subordinated to a plan so much vaster and more important than themselves that the disproportion of each to the organic whole is inconceivable.

In like relation stands man to history. He is a conscious cell built into the wall of the world-drama according to the exigency of the tremendous structure. True it is that he goes to his place without *feeling* the compulsion that is upon him. His own will, being a part of the general scheme, coöperates with the plan and purpose of man-life considered as a whole. He takes his station here or there by preference; but the preference itself is a part of the universal plan. He perceives, within a narrow limit,

the work that is going on around him, and his own part therein. He is able to discover the nature and probable design of that small section of the general structure in which he stands and upon which he exerts his feeble agency. If the event in his part of the field conforms to his purpose and expectation he imagines that he has been the determining force therein; and his fellows, if he be great, ascribe to *him* the agency which he claims.

It is here that the delusion begins which makes man—the individual—to be the author of history. In many cases he seems to himself to be so. The records of his age are made up accordingly and transmitted to after times. So the tradition arises here and there that this man or that man determined the history of his epoch. In fact, each man, as the scientific history declares, is but the product of his age—a local force which the general laws of causation demand and find; or, to return to the analogy, the man is but the living, conscious cell which historical causation seizes and assigns to its place in the general structure of the world.

It is difficult for us to apprehend with clearness the subordinate place which history assigns to the individual. We are the individual; and it is hard for us to go to our own place and stand among the small. We are recusant against the law that governs our lives and destinies. There is a natural residue of resentment in the human mind against that principle which makes man to be no more than a local circumstance in a general plan which he is not even able to apprehend. The man, being proud—vain of his achievement in the sphere of his activity—would fain regard himself as the creator of greater things. He cajoles himself into the belief that he is so, and does not willingly agree to that plan which makes him to be but a conscious cell in the walls of history. Before he will assent, he must be reasoned with and convinced. He must be shown that

his agency extends to so limited a sphere, and is so brief in its operation, as to be necessarily disregarded in that general plan which is as long as time and as profound as space.

No estimate of history, and of the place of man therein, can be adequate or satisfying which does not recognize the complete subordination and immersion of the individual in the world-drama of which he is but an incident. The man must be brought to see the disproportion between his agency—whatever it is—and the tremendous organic whole in which his destiny is laid—a disproportion as striking and incommensurable as that of the finite to the infinite.

Consider for a moment the limitations which are inexorably fixed around all the boundaries of human life. Note the limitation of time. The average duration of the life of man is almost infinitesimal. It is a handbreadth. It is naught as compared with the stretch of the ages. According to our world-time the event is thousands of years old, and is still young. History in making her facts and preparing her results demands multiplied centuries. She pays little attention to the brief generations of men who rise and flourish under her extended dynasty. To the man she assigns one decade of activity, or two, or three, and then he goes. He goes to return not. But the event does not go. It accomplishes itself in its own way. Like the millennial oak, it regards not the vicissitudes of season or the puny tribes of living creatures that vociferate and play for a day beneath its tremendous branches.

A like limitation is that of place. Man is bound to a single locality; but the event has the world for its country. Until the present century man was narrowly circumscribed to the little arena of his origin. He is still circumscribed, and whatever he accomplishes is in the nature of the case as local as himself. What he builds stands there, a brief

monument of the small sphere of his action. Man flies not, but only walks. If he swim, it is in the shoal waters of the surf. The birds and the fishes outgo him, and the four-footed creatures have greater speed. If we consider his mind, his faculties, and aspirations, even they are limited to places and conditions. In saying this we do not forget the flight of thought, the excursion of intellectual force, the outreaching of human purposes; but all these are, in comparison with the greater schemes of history, no more than the circumference of leaves or the flight of insects. The man is obliged to recognize not only the brevity of his day, but also the limitation of his activity to a certain spot of earth little affected by his presence and totally indifferent to his destiny.

A third limitation laid by nature on man is the weakness of all his powers. He weighs not as much as the St. Bernard that trots by his side. The ox easily outdraws him. The horse—even when bitted and reined—dashes away with him and his carriage. The smallest of nature's forces round about tosses him hither and yon. He can not see in the night, or survive without shelter and fire. Shall we call such a creature as this the maker of history? History is stronger than the winds, mightier than the sea. In her hands all forms of life that inhabit the globe are but as the microscopic creatures on the slides of the naturalist! To her all seasons and years, all climates and places, all continents and dominions, are but the materials of a purpose which she cherishes and pursues on unbent lines from the beginning to the end.

We thus accept the subordination of man to history. We recognize the fact that the individual has small place in the general movement of the world-drama—small influence in affecting the results of the present or final action. It is not meant that man is naught, but only that he is weak and transient. It is not meant that the structure of

history is built up of materials other than human ; but the individual parts are only the cells and molecules of the organic whole. The individual has his sphere of activity and his local force ; but these are only the cell-life, the corpuscle and tissue in the universal organism.

Every man in the world is a miniature battery. He has his small cup of force the size of a gun-cap ! In it are the acid, the carbon, and the zinc. Out of it reaches a gossamer thread which attaches itself to the tremendous lines of universal causation girdling the earth and binding nature. The little gun-cap battery discharges its modicum of electrical force into the general circuit, and to that extent contributes to the motive power of the world ! Here, however, the agency of the individual ceases, and the reign of law begins. Here the work of man, as man, in the drama of history ends, and he himself is absorbed in an action the nature of which he does not understand and the final results of which he may not foresee or imagine.

To this general scheme—involving the universality of history and the subordination of the individual—all men and all events inevitably conform. Each has its place and its purpose—a place and a purpose little discoverable by human faculties, but tending ever, as we are able dimly to discern, to the betterment and perfection of the human race. It is in the light of this view of history and of man that every fact and event is to be weighed and understood. In the radiance of this brief candle of knowledge the man himself is to be estimated and considered. He takes his place under the dominion of universal forces, and contributes his little part to the destiny of the race.

Thus is history to be known ; and thus are all men to be measured and interpreted. Certainly we shall not take away from the conspicuous actors of past or present ages their well-earned title of great. To be great is to answer the call of an epoch. It is to respond to the conditions of

one's age, and to fulfill them. It is to take the rank and office which history has assigned beforehand, and to make strong that part of the eternal ramparts in which the living agent may be builded. It was thus that the sages and warriors of the ancient world answered in their lives to demands which went before them and to conditions which determined their activities and fame.

We do not say that there has not been human spontaneity in the world. We do not say that the Hindu poets who sang the songs of the Vedas were no more than the sounds of reeds filled with the natural wind—no more than the rustle of leaves or the whirl of wings through the thickets by the banks of the Indus; they were more than that, for they had thought and hope and love, and whoever has thought and hope and love is immortal. We do not say that Zoroaster and Guatama had in themselves nothing of plan and purpose worthy to abide in the soul of the race and survive forever. But these primitive reformers of great races were none the less the products of conditions that preceded them, and were none the less born in answer to the imperative call of history.

Time would fail to take up and follow the illustrations which rise on full wing from every land and clime. An age came when the world was full of mythological follies and spurious forms of thought. It was necessary that these should be whipped back into the primeval darkness out of which they had risen. Socrates was invented by history for this work. He was her whip, and the sting of it falls yet with sharpness on the back of all sophistry and lies. He came not of his own accord, but coming he found his office, and must fulfill it. His destiny led the way even to the dungeon and the hemlock. Socrates was not so much the son of Sophroniscus and Phænarete as he was the son of Athens, the son of Greece, the son of the Hellenic race, the son of reason and of the ages. Were

not Phidias and Praxiteles the art-blossoms of centuries of time? Were they not born out of Egypt as well as Hellas? Would either have been possible at an earlier or a later age? The marvels of the Acropolis rose under the hands of these masters; but the masters themselves rose under the hands of migration and war, of poetry and patriotism, of triumph and pride of race, of Attic enthusiasm and intercourse with the gods!

Civil and political order was one of the necessities of mankind. It was demanded for the further evolution and progress of the race. The antecedent conditions of Rome were prepared through ages of time. Her situation was prepared. A division of mankind suitable for so great a work was prepared and imported from distant lands. The old Kingdom was prepared, then the Republic, and then the Empire. The world itself was prepared for conquest and centralization under the sway of the Cæsars. A condition was prepared for the planting of a new religion, destined to conquer all Europe and to become a prevailing force in the New World.

What shall we say of the subordinate parts of that immense fact called Rome, issuing as if by birth from the paternity of the ages? What shall we say of its individual actors—of them to whom the making of Rome and so large a section of civilization has been attributed? What shall we say of Cincinnatus and Regulus, of Scipio and Marius, of Pompey and the baldheaded Julius who beat him down, of all the Cæsars, of the poets, historians, law-makers, and orators who, from Augustus to Constantine and from Constantine to the Palæologi, rose and passed across the stage of that tremendous drama? Were they not all but the fruits of time, the progeny of old paternities, the products of forces and conditions which were older than the first appearance of the Aryan race in Europe, older than Egypt, Chaldæa, and India? These were but the tran-

sient actors in a scene which, extending through twenty-one centuries of time, was itself but a single act in that world-drama which absorbs the energies and enfolds the destinies of all men and nations from the beginning to the end of time.

Mark also the incidents of the Middle Ages. Peter of Picardy, little old monk in woolen mantle, preaches a holy war against the Infidels. He rouses barbarian Europe and leads a crusading host in wild array of fight to fall upon the defilers of the Holy City. For two centuries the world is in turmoil, and Peter is its master. Such has been the story of our book-history, and to that the opinion of mankind has long conformed. But who was Peter? and how should he be a force among the nations? Ignorant, superstitious, angry, mounted on a mule, how should he make history? Does history proceed from a fool and a mule? Nay, nay. Consider for a moment the far-off antecedents. Yonder the Arabian Prophet arises. He has been preparing since the flight of Abraham! He comes and converts his people from idolatry. He and his generals conquer the East. A race of iron-forging Turcomans out of the Altaï make their way westward, and smite Persia. Assyria and Asia Minor fall before their prowess. They accept the doctrines of Islam from the conquered, but can not be stayed till they possess themselves of the City of David and sit cross-legged on the holy tomb.

Hitherto, Christian pilgrims had been well treated by the polite Arabians in the East; but to the Turcomans all Christians were *giaours* and dogs. Meanwhile the barbarians of Western Europe had become converts to Christianity. Through more than four centuries they had been wrought up to the stage of fiery zeal and warfare. All of these conditions had been prepared in the vast laboratory of history; and no man had been consulted! When the news came of outrages done to pilgrims in Palestine, what

should barbaric Christendom do but explode with volcanic glare and smoke, scoria and cataclysm of both nature and man until the rage should appease itself with blood and destruction? Now came Peter and Urban; then Godfrey and the Lion Heart; Barbarossa and Saint Louis. What were these?—what but the products of agencies working through three continents and compelling men to battle as the clouds are compelled by the winds. There along all roadsides from the Alps to Antioch three million of the Crusaders piled their bones. It was the wreck of European fanaticism—a wreck of feudal elements thrown in bleaching lines, not by the hands of man, but as the work of history. Was not the hermit born in Asia as much as in Europe? Did he lead the Crusade? or was he not rather himself, with all the rest—Baldwin, Raymond, Godfrey, Plantagenet, Red Beard, peasant, Pope, king—borne along on the turbulent flood rolling through the centuries, pursuing its own course and swallowing men like bubbles?

Or mark the intellectual progress of the world. This also is accomplished by human agency; but the men in whose brains the dawn-torches of the new centuries are carried are prepared for their places by the same laws which make them necessary. In no other light can the intellectual leaders of mankind be understood and interpreted. The time came when the human mind demanded a new concept of the heavens and the earth. The old concept no longer sufficed. The Ptolemaic system of the planets and stars became a mock in the high courts of reason. Such a notion of the universe must be cast forth and thrown on the refuse heaps with all mythologies and lies, with all false notions of nature and goblins of the mind, there to decay with the offal of the ages.

Order must be found and instituted in the skies. The epoch of discovery was first prepared; and then the discoverers. They were necessary in their season to fill the

expectation of the world. It was thus that history found Galileo and Copernicus. Afterwards she devised Newton and Laplace. These she commissioned to speak to men of new facts in the starry spheres, new worlds and suns, and new laws for the government of all. True it is that the great astronomers were the organs of intelligence, the teachers of order, the evangelists of sublimity for all men and nations; but they were themselves born into the world of an infinite paternity, and were developed by the compulsion of forces that had been working among mankind since the dawn of the civilized life.

In like manner the old concepts of animated nature passed away. The intellect was no longer satisfied with those notions of irregularity, accident, lawlessness, and chance which had prevailed respecting all living beings and the laws of their creation. The mind demanded that the natural history of life be rewritten in intelligible language, and for this work she chose not only her age and her race, but also her man. A still small voice was heard above the roar and confusion of the nineteenth century. It was the voice of Darwin proclaiming a new law for man and nature. It was a voice that stirred the topmost branches of the tree of knowledge. It moved like a viewless sound through all the courts and corridors of civilization. It caught like an electric spark in the understandings of men, and the prevailing crude opinions of the race respecting the phenomena of life were transformed into sublime and beautiful order. But Darwin himself was the product of his age. He was the son of England and Humanity. He was demanded and found and developed by antecedents and conditions as old as the revival of learning, as old as the curious speculations of the Greeks, as old as the spirit of inquiry in the bosom of mankind.

The theme becomes an echo of itself. The illustrations of its truth spring from every age and from every phase of

human progress. The old concepts of statesmanship vanish from the human mind ; and even the ancient view of philanthropy is changed for a more rational concept of the good deeds and holy characters of men. Peace and war are no longer determined by the personal wills and puny arms of the actors in the conflict. Nations and peoples in all the forms of their activity and accomplishment are seen to be but the effects of causes—the offspring of the past. The heroic figures who impersonate their epochs, who express in their lives the highest thought and purpose of their century, are *made* by historical forces, are borne aloft for the brief day of their activity on the billows of the eternal seas.

Thus came Cromwell out of the stormy bosom and motherhood of Anglo-Saxon England. The field of his activity had been long preparing, by armies and parliaments and kings, by religious insurrections, by battling opinions and the onset of races. His paternity extended through a millennium of time and fixed itself with a thousand roots among the institutions, tyrannies, and turbulence of the Dark Ages. William the Silent was also born out of the loins of a mighty and unknown fatherhood. He came with the blood of the Teutonic races, by the heroic struggles of their tribes, by the compulsion of instincts and trials which made freedom by sword and shield the war-cry of the primitive Germans and the inheritance of their descendants.

Washington, the serene Father of his country, was himself the son of a larger country—the country of human liberty. He was the gift of destiny and Providence to an age whose hinder parts were still held in the meshes of feudalism. He was commissioned by a power above himself to cut his country free from a tyrannous and despairing past. He was the sword and counseling voice of an epoch which nurtured him for his great office and gave

him to mankind. Napoleon truly called himself the child of the Republic, the son of Destiny. Lincoln and Grant were the agents of a great age. They were sent to break the Black Man's fetters, to crush the oppressor in his wrong, to decorate with some new glories the temple of Freedom which history by our fathers' hands had reared as the shrine of patriotism and equality.

The discovery of America was the greatest secular event in the history of mankind. Time had prepared for it through centuries of longing and doubt. *Ne plus ultra* had been written on the Pillars of Hercules; but the human soul still said *Plus ultra!* The vision of hope was on the waters. The pressure of the ages bore hard on the shoulders of man, but the dream of Atlantis was still in his brain and spirit! The Man of Genoa came. He was also the man of Italy, the man of the Mediterranean, the man of all seas and shores. Destiny set him on her hand and said to him fly!—and he flew. He went and came again. He returned with gyves on his wrists, and a New World for his trophy. To Castile and Leon he gave it; but in a larger sense he gave it to mankind as an arena of reviving progress, freedom and eternal hope. Great was his embassy in the midst of the centuries, and he himself was glorious. He was sublime in thought and supreme in action. Now the ages have crowned him—he is immortal! The aureole of everlasting fame is on his head. But History made the Man—made him and gave him to the world.

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OUIATANON

A STUDY IN INDIANA HISTORY

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NOTE.

The extracts from letters and documents given in this study are quoted literally. No attempt is made to change either spelling or grammatical arrangement. It should be noted, however, that such proper names as Wabash, Ohio and Ouiatanon were frequently written in different ways and had no fixed orthography until later years.

OUIATANON.

ON the west side of the Wabash river and four miles below the present city of Lafayette is one of the historic spots of Indiana. It is the site of Post Ouiatanon.¹ A place where for nearly a century was maintained a trading post and settlement. A place that, had it not been for the accidents of war, would still be known as the first permanent settlement in Indiana.

La Salle was doubtless the first white man to cross the territory now included within the limits of the State. This bold voyageur was one of the most dauntless of the early French explorers. He was educated as a Jesuit, but severed his connection with that order and came from France to Canada in 1666. The monks of St. Sulpice granted him a tract of land a short distance from Montreal, and this he named La Chine.

La Chine served as a kind of frontier post for Montreal, and here La Salle proposed to establish the basis of his operations in the fur trade. While here he learned of the Ohio river from a band of Seneca Indians, and, being attracted by the descriptions of it, asked permission of the Canadian authorities to fit out an expedition for the purpose of exploring southward and west. This permission was granted.

The first mention made of this expedition is by Patoulet, November 11, 1669. He says, "Messieurs La Salle and

¹ Pronounced We-aht-ah-non.

Dolier have set out accompanied by twelve men with a design to go and explore a passage they expect to discover communicating with Japan and China."¹

Talon, Intendant of Canada, under date of July, 1670, wrote to the king of France as follows: "Since my arrival I have despatched persons of resolution who promise to penetrate further than has ever been done. The one to the west and northwest of Canada and the others to the southwest and south. These adventurers are to keep journals in all instances, and reply on their return to the written instructions that I have given them; in all cases they are to take possession, display the king's arms, and draw up *procès verbaux* to serve as titles."²

We find that these expeditions were approved, for Colbert, the French Minister, replies in February, 1671, "The resolution you have adopted to send *Sieur de La Salle* toward the south and *Sieur de St. Luson* toward the north in order to discover the passage to the South Sea is very good, but the principal thing to which you ought to apply yourself in these sort of discoveries is to look for the copper mine."³

The Sulpician monks joined with *La Salle* in fitting out this expedition and two of their number, *Dolier* and *Gallinee*, were appointed to act in concert with him. On the 6th of July, 1669, the combined parties, numbering seven canoes and twenty-four men, started from *La Chine*. Having passed *Niagara Falls* and reached a point not far from where *Hamilton* now stands, they met *Joliet*, who was returning from the northwest where he had been sent to investigate the *Lake Superior* copper mines. *Joliet* told them of the numerous Indian tribes in that lake region, who were without any knowledge of God. This

¹ N. Y. Col. Doc. Vol. IX. Page 787.

² N. Y. Col. Doc. Vol. IX. Page 64.

³ N. Y. Col. Doc. Vol. IX. Page 70.

so influenced Dolier and Gallinee that they determined to give up trying to reach the Ohio and go to these tribes as missionaries. La Salle reminded them in vain of the fact that the Jesuits had already occupied that territory and would probably give them, the representatives of a different order, the order of St. Sulpice, very little encouragement.

The company separated, the priests going to the northwest and La Salle continuing in his purpose of reaching the Ohio.¹ He was successful, but how far down he followed it is a matter of some conjecture, probably as far as the rapids near the present city of New Albany, possibly as far as its junction with the Mississippi. It was then thought that the Ohio found its way into the Mississippi, and that the Mississippi emptied into the Vermillion sea, now called the Gulf of California. It was not until 1682, when La Salle descended the Illinois into the Mississippi, and from thence floated to the Gulf of Mexico, that the true course of the Father of Waters was known.

Concerning La Salle's movements after being deserted by the two Sulpicians, Dolier and Gallinee, two versions are given. These accounts are not contradictory, although they differ in some minor matters of detail and are probably, for the most part, true. The first of these accounts is as follows:

"Meanwhile M. de la Salle continued on his way by a river which runs from east to west and passed to Onondaga, afterward to six or seven leagues below Lake Erie; and having reached as far as the 280th or 283rd degree of longitude and to the 41st degree of latitude, he found a rapid which falls to the west into a lowland, marshy, covered with dead trees, of which there were some that were standing. He was obliged to take to the land, and, fol-

¹Parkman.

lowing a ridge which led him a long distance, he found certain savages who told him that afar off from there the same stream which lost itself in this vast and low country reunited in a channel. He then continued his journey, but as the fatigue became very great twenty-three or twenty-four men who had followed him thus far quitted him in one night, regained the river and made their way, some to New Holland and some to New England. He then found himself alone, four hundred leagues from home, whither he hastened to return, reascending the river and living by the chase and by herbs and by what the Indians that he met on the road gave him."¹

The other is an account given by La Salle himself. It is found in a memoir addressed to the king. In this memoir he asks for certain privileges, and recounts his explorations, speaking of himself in the third person.

"In the year 1667, and those following, he made divers voyages with much expense in which he for the first time explored many countries to the south of the great lakes and among others, the great river of Ohio; he followed it to a place where it empties into vast marshes at the latitude of 37 degrees, after having been increased by another river, very large, which comes from the north; and all these waters discharge themselves according to all appearances into the Gulf of Mexico."

Some of the statements in these accounts are evidently inaccurate; as, for instance, the geographical situation as regards latitude and longitude. Enough, however, is beyond controversy to establish the fact that La Salle discovered the Ohio river and coasted the southern shores of Indiana.

From the above accounts it might readily be inferred that La Salle discovered the upper Mississippi. His friends

¹Margry. Vol. I. Pages 377-378.

have made that claim and pushed it with considerable persistency but the honor of this discovery is usually conceded to Joliet. Even if La Salle did follow the Ohio to its mouth, he never realized the situation and never claimed the honor of having discovered the Mississippi; something he surely would have done had he considered himself entitled to that distinction.

The French claimed the beautiful river because La Salle discovered it. In his instructions to M. Du Quesne under date of 1752, the following passage occurs: "The river Ohio, otherwise called the Beautiful River, and its tributaries belong indisputably to France, by virtue of the discovery by *Sieur de la Salle*, of the trading posts the French have had there since, and of possession which is so much the more unquestionable as it constitutes the most frequent communication from Canada to Louisiana. It is only within a few years that the English have undertaken to trade there; and now they pretend to exclude us from it."¹

In a letter of private instructions to M. Vaudreuil, dated Versailles, 1755, it is affirmed that "It is only since the last war that the English have set up claim to the territory on the Beautiful River, the possession whereof has never been disputed to the French, who have always resorted to that river since it was discovered by *Sieur de La Lassalle*."²

That the Canadian authorities regarded La Salle's expedition as of great importance, is shown by a letter written to M. Talon. He says, "*Sieur de La Salle* has not yet returned from his journey to the southward of this country. But *Sieur de St. Luson* is returned after having advanced as far as five hundred leagues from here, and planted the cross and set up the king's arms in presence of seventeen Indian nations, assembled on this occasion from all parts.

¹N. Y. Col. Doc. Vol. X. Page 243.

²N. Y. Col. Doc. Vol. X. Page 293.

All of whom voluntarily submitted themselves to the dominion of his majesty, whom alone they regard as their sovereign protector."¹ This ceremony was performed at or near the falls of the St. Mary between Lake Huron and Lake Superior.

The desire of the French to secure trading posts and military stations in the Ohio valley, and thereby to secure the commerce of the Indians in that quarter is well set forth in a narrative of the voyage of Governor Courcelles of Canada, in 1671. It is as follows: "Wherefore some means were sought a long time ago to prevent the Iroquois going to New Netherland to trade, and the best assuredly would be to establish a post as far up as the mouth of the Ontario to command the pass through which this people go to trade when returning from the chase, and thus the French would absolutely control it. For this purpose it was necessary to reconnoitre the place, examine the most convenient sites and the finest land, and this the Governor has done in this voyage. I shall add here a reason for this voyage of no trifling importance. Two years ago, two ecclesiastics left here [to visit] divers Indian nations situated along a great river, called by the Iroquois Ohio, and by the Outaouas Mississippi. Their design did not succeed owing to some inconveniences very usual in these sort of enterprises. They learned, however, from these advances they made toward the river that it was larger than the river St. Lawrence, that the tribes settled along its banks were very numerous, and that its ordinary course was from east to west. After having carefully examined the maps we have of New Sweden, of the Floridas, of Virginia and Old Mexico, I did not discover any river mouth comparable to that of the St. Lawrence. This leads us to think that the river of which we speak disem-

¹ N. Y. Col. Doc. Vol. IV. Page 72.

bogues into another sea—to determine which I leave to the judgment of the more learned. Nevertheless it is probable that it waters those countries toward New Spain, which abound in gold and silver.”¹

The year following La Salle's discovery of the Ohio he seems to have passed around through lakes Huron and the straits of Mackinac into Lake Michigan. From its southern extremity he found his way to the Illinois. On his return he kept farther south and crossed Indiana near the marshes of the Kankakee. Only a few years later we find him familiar with the passage up the St. Joseph and down the Kankakee into the Illinois. In 1679 La Salle built Fort Miamis at the mouth of the St. Joseph river, in Michigan. After ascending the St. Joseph to a portage which led across to the Kankakee, in company with Tonty, Father Hennepin and thirty-one other followers he passed down the Kankakee into the Illinois, and landing below Peoria Lake built Ft. Crevecoeur. [Broken Heart.] This place was so named on account of the loss of the Griffin, a vessel he had built for use in carrying his supplies and merchandise on the lakes. This vessel had just been wrecked, either by accident or by the treachery of the pilot.

Father Hennepin wrote a description of the building of Fort Miamis, which incidentally sheds a great deal of light on those early days. He says just at the mouth of the river Miamis there was an eminence with a kind of platform naturally fortified. It was pretty high and steep, of a triangular form, defended on two sides by the river and on the other by a deep ditch which the fall of the waters had made. We felled the trees that were on the top of the hill, and having cleared the same from bushes for about two musket shot we began to build a redoubt of

¹ N. Y. Col. Doc. Vol. IX. Page 82.

eighty feet long and forty feet broad with great square pieces of timber laid one upon another, and prepared a great number of stakes of about twenty-five feet long to drive into the ground to make our fort the more accessible on the river side. We employed the whole month of November (1679) about that work, which was very hard, though we had no other food but the bear's flesh our savage killed. These beasts are very common in that place because of the great quantity of grapes they find there, but their flesh being too fat and luscious our men began to be weary of it, and desired to go hunting to kill some wild goats. M. La Salle denied them that liberty, which caused some murmurs among them, and it was but unwillingly that they continued their work. This, together with the approach of winter and the apprehension that M. La Salle had that his vessel was lost made him very melancholy, though he concealed it as much as he could. We had made a cabin wherein we performed divine service every Sunday, and father Gabriel and I, who preached alternately, took care to take such texts as were suited to our present circumstances, and fit to inspire us with courage, concord and brotherly love."

That La Salle continued to trade in the waters of the Ohio, the Wabash and their tributaries is not only a natural thing to expect but is evidenced by a memoir of Denonville, on the French limits in North America, in which the passage occurs. "For the continuation of which trade he caused a fort and buildings to be erected and a bark to be began at a place called Crevecoeur in order to proceed as far as the said South Sea, two-thirds of which bark only were built, the said de la Salle having afterward employed canoes for his trade in said countries, as he had already done for several years in the rivers Oyo, Ouabache and others in the surrounding neighborhood which flow into the said Mississippi river, whereof possession had been

taken by him in the king's name, as appears by the relations made thereof."¹

In 1683 La Salle established an Indian Confederacy on the Illinois river at Fort St. Louis. The purpose of this confederacy was to protect the French commercial interests in the west and to defend their Indian allies from the attacks of the Iroquois. The Iroquois nation had been, as a rule, friendly to the English and hostile towards the French. From their country in New York they were in the habit of making incursions further west in search of furs or on the war-path against other tribes. Sometimes these expeditions extended almost to the Mississippi. During the time of this confederacy Indiana was almost entirely denuded of the Indian population, as the tribes in this locality were friendly to the French and emigrated to Fort St. Louis.

Between 1671 and 1683, the time of the founding of the confederacy, it is extremely probable that fur traders visited the state, but it was not until the confederacy was broken up and the Indians had returned and relocated that trading posts were established. Ouiatanon, the subject of this sketch, was one of the first of these, on account of its favorable situation. It is located at that point on the Wabash where the lighter barks and canoes that were used in the carrying trade between Canada and the southwest by way of the Miami and the Little Wabash were changed for larger ones to be used on the deeper waters of the lower Wabash and the Ohio.

A reference to the map of Indiana will show that by ascending the Little Wabash the portage across to the St. Mary's and the Maumee was very short.

This post was to the Indians and fur traders of that day the head of deep water navigation, just as in later years

¹N. Y. Col. Doc. Vol. IX. Page 383.

and before the days of railroads Lafayette, only four miles above it, was known as the head of steamboat navigation on the Wabash.

In addition to the facilities for trade already mentioned, there were other considerations that made Ouiatanon a favored locality. It was situated near the mouth of the Wea river, a place where fish of many kinds were very plentiful. Near by was to be found a fertile soil, easy of cultivation and well adapted to the simple agricultural methods of the times. Within easy distance were to be found extensive prairies and thickly wooded forests each supplying its own particular kinds of game. It would be difficult to imagine a place better suited to purposes of trading post and settlement than was this one. While easy of access yet within signaling distance were elevations that commanded a view of the country in all directions.

It was one of the early traditions that valuable mines existed somewhere in this vicinity—mines of silver, of copper and of coal. Some of these traditions have come down even to the present generation. But no such mines have ever been found to exist near this locality.

Recently prospectors are said to have found coal a few miles above and near the mouth of the Tippecanoe river. But no mines have yet been developed.

Before the year 1718 we find that the Ouiatanons, after which tribe the post was named, were located in this neighborhood. They had once lived west of the Mississippi and at another time in the region of the Great Lakes. They were related to the Miamis and helped to form the great Miami Confederacy. They had moved to Fort St. Louis, and were a part of La Salle's colony, but on the assassination of La Salle and the disbanding of that confederacy gradually made their way to the Wabash and established themselves at this place.

A French writer thus describes Ouiatanon in 1718:

"This river Ouabache is the one on which the Ouyatanons are settled. They consist of five villages which are contiguous, the one to the other. One is called Oujatanon, the other Peanguichias, and another Petitscotias and the fourth Les Gros. The name of the last I do not recollect, but they are all Oujatanons, having the same language as the Miamis, whose brothers they are and properly all Miamis, having all the same customs and dress. The men are very numerous, fully a thousand or twelve hundred. They have a custom different from all the other nations which is to keep their fort clean, not allowing a blade of grass to remain in it. The whole of the fort is sanded like the Tuilleries. * * * Their village is situated on a high hill and they have over two leagues of improvements, where they raise Indian corn, pumpkins and melons. From the summit of this elevation nothing is visible to the eye but prairies full of buffaloes. Their play and dancing is incessant. All these tribes use a vast quantity of vermillion. The women wear clothing; the men very little."¹

This description of the character of the soil and the elevation of the country is exceedingly accurate. The soil is a loose sand and peculiarly adapted to the products named, especially the melon. From a point of land a short distance from the place occupied by the fort the view is one of the finest. To the left the Wea Plains and the city of Lafayette, as far as the eye can reach in front are prairies dotted here and there with groves of timber; to the right, the Wabash valley extends indefinitely.

The French, in order to counteract the influence of the English and to keep their ascendancy over the Indians, established a military post at Ouiatanon in 1719 or 1720.

¹N. Y. Col. Doc. Vol. IX. Page 891.

Under date of October 28th, 1719, Vaudreuil, Governor of Canada, wrote to the Council of Marine: "I learn from the last letters that have arrived from the Miamis that Sieur de Vincennes having died in their village these Indians had resolved not to move to the river St. Joseph and to remain where they are. As this resolution is very dangerous on account of the facility they will have of communicating with the English, who are constantly distributing belts in secret among all the nations to attract them to themselves by means of certain Iroquois runners and others in their pay, I had designed Sieur Dubuisson for the command of the post of Oujatanons and that he should on going thither employ his credit among the Miamis so as to determine that nation to proceed to the river St. Joseph, or, if not willing to leave that it should remain at its place of residence in order to counteract the effect of all those belts it was too frequently receiving and which, as they caused eight or ten Miami canoes to go this year to trade at Orange, might finally induce all that nation to follow their example."¹

It is probable that the garrison did not reach the post before 1720. The exact location of this fort has been a matter of much dispute, but a careful investigation of maps and descriptions of the post as well as the recent finding of material such as Jesuit crosses, vessels used in church service, belts, buckles and fragments of other military equipments fix its position beyond a reasonable doubt. The French fort was placed upon the site of the "sanded" Indian fort already described. Both French and Indian relics are found here, and although the surface of the ground has been considerably changed by the washing of the sandy soil the general outlines of the fort

¹ N. Y. Col. Doc. Vol. IX. Page 894.

may yet be distinguished by the careful observer.¹ Post Ouiatanon on the site of the old Indian fort, the Ouiatanon town on the south side of the Wabash river and a few miles lower down, and Kethtippecanunk several miles above and near the mouth of the Tippecanoe river are not always clearly distinguished from each other by writers on early western history.

The description of the fort already quoted from a Canadian record, the description to be given later on by General Scott and by General Wilkinson are accurate when applied to the fort as located above, but will not apply to the other localities.

The first French Commandant then at Ouiatanon was Dubuisson, but he was soon succeeded by Francois Morgan, a nephew of the Sieur de Vincennes, already mentioned, who at his uncle's death, succeeded to the title. Francois Morgan, the new Sieur de Vincennes remained in charge of the fort for several years.

At this time the French ruled their possessions in the new world from two centers, Canada and Louisiana. After Francois Morgan had succeeded to his uncle's title, he was induced by a consideration of three hundred livres in addition to his salary as Lieutenant on half pay, to transfer his allegiance from the Governor of Canada to the Governor of Louisiana. Leaving Ouiatanon he proceeded down the river to the Indian village of Chipkawkay, and there established a military garrison. This was known for a long time simply as the Fort on the Wabash. It is not until 1752, that we find the name Vincennes applied to it. This fort should be carefully distinguished from Fort St. Vincent on the lower Ohio, established by Juc-

¹ Many French and Indian relics found here have been collected and deposited in the museum of Purdue University by Mr. Robert Hatcher, of Lafayette, Ind.

hereau, in 1702, and disbanded in 1704 by Lambert,¹ who had succeeded to the command at Juchereau's death. The fact that the lower Ohio was frequently called the Ouabache doubtless led to the error of considering these two posts as the same.

In 1736, in an attempt to defeat the Chickasaws and English, the noble Commandant *Sieur de Vincennes* was killed. The French, assisted by the Illinois Indians, were unable to cope with the combined forces of English and Chickasaws. "Vincennes died nobly, cheering on his men and urging them to be worthy of their country and of their religion."² After *Sieur de Vincennes* had taken service under the Governor of Louisiana, *Ouiatanon* received other French garrisons and continued to be one of the most important of their frontier settlements. *Beauharnois*, writing to Count *Maurepas* in 1731, says: "I have continued to give orders to the commanding officers in the neighborhood of the river *Ouabache* to be on the lookout for every attempt the English might make in that quarter." And again, in 1732, he writes: "I have had no further intelligence, my lord, of the latter having attempted to make an establishment in the neighborhood of the river *Ouabache*. The order I issued some years ago and which I have renewed this year, will have apparently diverted them from any views they manifested to establish themselves there."³

In 1744 *Beauharnois* wrote: "On receiving intelligence, this spring, of the different settlements and magazines the English have formed on the Beautiful River, I issued my orders and sent belts to the Detroit nations to drive them thence by force of arms and to plunder the stores they have

¹ Dunn. Page, 39.

² Dillon's History of Indiana.

³ N. Y. Col. Doc. Vol. IX. Page 1035.

there. I gave like orders to the commandant among the Ouiatanons and the Miamis."¹

In the journal of important events in Canada, for the year 1747, it is recorded that Ensign Chevalier de la Peyrade, commandant of the post of the Ouiatanons, writes from Detroit on the 24th of August "that he was on his way down to Montreal with the nations from the Ouabache when he learned in the Miami river of the treachery of the Hurons; that this intelligence, conjointly to other circumstances, obliged those nations to return to their village, where they were pretty quiet when he left them to come to Detroit, where he is waiting for news from Niagara to return to the Ouiatanons to continue his service there."²

The same journal, under the date of January 29, 1748, makes the following statement, after saying that thirty Frenchmen had been sent from Detroit to Ouiatanon by Mr. de Longueuil, the commandant: "That as some of our people remain among the Ouiatanons, where even some families are settled, he did not consider it right to abandon countries where no disorder has occurred and where great disturbances break out in the absence of assistance."³

In a communication to M. de Rouillé, dated April 21, 1751, M. de Longueuil, commandant at Detroit, says: "Mr. de Ligneris, commandant at the Ouiatanons, believes that great reliance is not to be placed on the Mascouten's, and that their remaining neutral is all that is to be expected from them and the Kiskapous; he even adds, we are not to reckon on the nations which appear in our interests. No Ouiatanon chief has appeared at the post

¹N. Y. Col. Doc. Vol. IX. Page 1105.

²N. Y. Col. Doc. Vol. X. Page 139.

³N. Y. Col. Doc. Vol. X. Page 139.

for a long time, although they had promised to inform him of all that they knew."¹

The settlement at Ouiatanon did not increase as much in numbers as some others for the reason that the commandants did not make any grants of land to settlers as was done in other places. There is the record of a baptismal service performed in 1752. The certificate was found among other papers in the Catholic church at Vincennes. The French officer in charge of the fort was usually styled captain of infantry and commandant for the king.

When in 1760, at the surrender of Montreal, Canada passed into the hands of the English, it was also agreed that the French troops should be withdrawn from the posts in the Mississippi valley. British officers were sent to take command. Ouiatanon thus passed into the hands of the English, and the double cross of St. Andrew and St. George took the place of the lilies of France.

At the beginning of Pontiac's War, Lieutenant Jenkins, of the British army, had charge of the fort. On June 1, 1763, the Indians by stratagem took the place and made Lieutenant Jenkins and his men prisoners. It had been planned to massacre the entire garrison, but through the intervention of some Frenchmen who lived near the fort, their lives were spared and they were well treated.

In a letter to Gladwyn, at Detroit, Lieut. Jenkins thus explains the situation that has befallen him.

"OUIATANON, June 1, 1763.

"SIR: I have heard of your situation which gives me great pain; indeed, we are not in much better, for this morning the Indians sent for me to speak to me and immediately bound me when I got to their cabin, and I soon found some of my soldiers in the same situation. They told me Detroit, Miamis and all of them posts were

¹N. Y. Col. Doc. Vol. X. Page 246.

cut off, and that it was folly to make any resistance ; therefore they desired me to make the few soldiers who were in the fort surrender, otherwise they would put us all to death in case a man was killed. They were to have fell on us and killed us all last night, but Mr. Maisonville and Lorain gave them wampum not to kill us, so when they told the interpreter we were all to be killed and he, knowing the condition of the fort beg'd of them to make us prisoners. They have put us into French houses and both Indians and French use us very well. All these nations say they are very sorry but that they were obliged to do it by the other nations. The belt did not arrive here until last night about 8 o'clock. Mr. Lorain can inform you of all. Just now received the news of St. Joseph's being taken ; eleven men killed and three taken prisoner with the officer. I have nothing more to say but that I sincerely wish you a speedy succor, and that we may be able to revenge ourselves on those that deserve it.

"I remain, with my sincerest wishes for your safety,

"EDWARD JENKINS.

"N. B.—We expect to set off in a day or two for the Illinois."¹

In this expectation the Lieutenant was disappointed, for there is record of a letter written by him from Ouiatanon the last of the next month.

In a report of Sir William Johnson, Governor of Canada, under date of November 18, 1763, he states that the Kickapoos, Mascoutens, Pyankeshaws and Ouyatanons reside in the neighborhood of the post at Ouiatanon and about the Wabash river, having many tribes and villages. In a letter to the Board of Trade he thus describes the ill-feeling existing between the English and the French and Indians. "Several French families of the worst sort

¹Parkman Conspiracy of Pontiac. Vol. 1. Page 277.

live at the Miamis and several at Ouiatanon, and in short at all other places where they formerly had posts or trading houses, and such is the credulity of the Indians that although they may find themselves repeatedly deceived by such reports they will still give them credit from their blind partiality for the French. The possession would in some measure, but not absolutely check this villainy. I hope that Colonel Croghan is far advanced on the way thither the last account I had from him mentions his being at Fort Pitt."¹

The deceptive reports referred to in the letter had reference to the continuation of the war by the French. Colonel Croghan arrived at Fort Ouiatanon, but not exactly in the way anticipated by Sir William. On leaving Fort Pitt, he passed on down the Ohio, and when about six miles below the mouth of the Wabash was captured and taken first to Vincennes afterward to Ouiatanon. After reaching the latter place he was set at liberty and treated with great respect.

While at Ouiatanon he received a message from the French commandant, St. Auge, who still held the garrison at Fort Chartres, the English not having up to this time sent a garrison to take control. In response to this message he started at once for Fort Chartres, but soon met Pontiac, who with a number of Indians was on his way to Ouiatanon. Together they returned to the post, and the preliminary treaty looking to the closing of Pontiac's War was arranged.

The Colonel in speaking of Pontiac says, "I made it my duty to converse with Pontiac and several of the chiefs of the different nations as often as opportunity offered in order to find out the sentiment they have of the French and the English. Pontiac is a shrewd sensible Indian of

¹N. Y. Col. Doc. Vol. VII. Page 716.

few words, and commands more respect among these nations than any other Indian I ever saw could amongst his own tribe. He and all his principal men of these nations seem at present to be convinced that the French had a view of interest in stirring up the late differences between his majesty's subjects and them and call it a beaver war, for neither Pontiac nor any of the Indians I met with ever pretend to deny that the French were at the bottom of the whole, and constantly supplied them with whatever they needed as far as in their power, everywhere through that country. Notwithstanding they are at present convinced that it was for their own interest, yet it has not changed the Indian's affection to them. They have been bred up together like children in that country, and the French have always adopted the Indian customs and manners, treated them civilly and supplied their wants generally by which means they gained the hearts of the Indians, and commanded their services and enjoyed a very large fur trade."¹

Much the same sentiment in regard to the relations of the French and Indians had been expressed in a letter written from Ouiatanon in 1763, and quoted by Parkman. "The Canadians here are eternally telling lies to the Indians * * * One La Pointe, told the Indians a few days ago that we should all be prisoners in a short time (showing when the corn was about a foot high), that there was a great army to come from the Mississippi, and that they were to have a great number of Indians with them; therefore advised them not to help us, that they would soon take Detroit and these small posts, and then they would take Quebec, Montreal, etc., and go into our country. This I am informed they tell them from one end of the year to the other. He adds, "that the Indians will rather

¹ Col. Doc. Vol. VII. Page 787.

give six beaver skins for a blanket to a Frenchman than three to an Englishman."¹

Colonel Croghan, while at Ouiatanon, described it as follows: "The distance from Post Vincent to Ouiatanon is two hundred and ten miles. This place is situated on the Wabash. About fourteen French families are living in the fort, which stands on the north bank of the river. The Kickapoos and Musquattimes, whose warriors had taken us, live nigh the fort on the same side of the river, where they have two villages, and the Ouiatanons have a village on the south side of the river. The country hereabout is exceedingly pleasant, being open and clear for many miles. The soil is very rich and well watered. All plants have a quick vegetation and the climate is very temperate. This post has always been a considerable trading place. The great quantity of furs taken in the country induced the French to establish this post, which was the first on the Wabash, and by a very advantageous trade they have been nobly recompensed for their labor."²

From the post Colonel Croghan passed on through the Indian tribes to Detroit, and there the permanent treaty was signed with Pontiac, the preliminaries of which had already been arranged at Ouiatanon.

In Hutchin's Topographical Description the following occurs: "Ouiatanon is a small stockaded fort on the western side of the Wabash, in which about a dozen families reside. The neighboring Indians are the Kickapoos, Pyankeshaws and the principal part of the Ouiatanons. The whole of these tribes amount, it is supposed, to about one thousand warriors. The fertility of soil and diversity of timber in this country are about the same as in the vicinity of St. Vincient. The annual amount of skins and furs obtained at Ouiatanon is about £8,000. By the

¹ Parkman's Conspiracy of Pontiac.

² Croghan's Journal, Hist. of Ky. Butler.

river Wabash the inhabitants of Detroit move to the southern parts of Ohio and the Illinois country. This route is by the Miami river to a carrying place, which, as before stated, is nine miles to the Wabash, when the river is raised with freshes."

In a review of the state of trade and Indian affairs in 1767, Sir William Johnson, Governor of Canada, states that Ouiatanon in one of the desirable trading posts of the West and that he contemplates putting a garrison there. There had been no garrison since Pontiac's War and the capture of Lieutenant Jenkins. The place now began to be distinguished more as an Indian rendezvous than as a trading point, although white families continued to reside here and the amount of trade was considerable. Lieut. Gov. Abbot, in a report dated 1777, says: "The Wabash is perhaps one of the finest rivers in the world. On its banks are several Indian towns, the most considerable of which is Ouiatanon, where it is said there are a thousand men capable to bear arms. I found them so numerous and so needy that I could not pass without great expense. The presents though very large were in a manner despised. They said their ancient French father never spoke to them without a barnful of goods."

In 1785 there was a big powwow at the post. At this meeting the Indians decided to stop the advance of the whites northwest of the river Ohio. The result was that in attempting to carry out their design a few whites were killed and a general Indian war became imminent. This was prevented, however, by the movements of Captain Logan and Colonel Clark.

Antoine Gamelin was sent from Vincennes in April, 1790, to convey messages to the Indians on the Wabash. It was his object to dissuade them from war and to encour-

age peaceful relations. After he had made his talk at Fort Ouiatanon, a chief replied, "Know ye that the village of Ouiatanon is the sepulcher of all our ancestors. The chief of America invites us to go to him if we are for peace. He has not his leg broken being able to travel as far as the Illinois. He might have come here himself, and we would be glad to see him at our village. We confess that we accepted the ax, but it is by the reproach that we continually receive from the English and other nations that received the ax at first, calling us women. At the present time they invite our young men to war. As to the old men they are wishing for peace."¹ The Indians refused to give Gamelin any positive answer until they had consulted with their kinsmen, the Miamis. From Ouiatanon he passed on to the Miamis and other tribes, but his efforts were in vain, for the Indians continued to be hostile and to commit depredations on the exposed settlements near the Ohio. An expedition was planned against them and put under General Scott, with the following as a part of his instructions: "The mounted volunteers are to proceed to the Wea or Ouiatanon towns of Indiana, there to assault the said towns and the Indians therein either by surprise or otherwise, as the nature of circumstances may admit—sparing all who may cease to resist, and capturing as many as possible, especially women and children. And on this point it is the positive orders of the President of the United States that all such captives be treated with humanity and that they be carried and delivered to the commanding officer of some post of the United States on the Ohio."

Pursuant to his instructions, General Scott, with his eight hundred mounted men, crossed the Ohio and marched towards Ouiatanon. On the first day of June he reached the

¹Dillon's Indiana. Page 228.

villages on the south side of the Wabash. In his official report, after describing the march from the Ohio and his approach to the scene of action, he says: "On the morning of the first instant, as the army entered an extensive prairie, I perceived an Indian on horseback a few miles to my right. I immediately made a detachment to intercept him; but he escaped. Finding myself discovered, I determined to advance with all the rapidity my circumstances would permit, rather with the hope than the expectation of reaching the object sought that day; for my guides were strangers to the country which I occupied. At one o'clock, having marched by computation one hundred and fifty-five miles from the Ohio, as I penetrated a grove which bordered on an extensive prairie I discovered two small villages to my left at two and four miles distance.

"My guides now recognized the ground and informed me that the main town was four or five miles in my front behind a point of woods which jutted into the prairie. I immediately detached Colonel John Hardin with sixty mounted infantry, and a troop of light horse under Captain McCoy, to attack the villages on the left, and moved on briskly with my main body in order of battle toward the town, the smoke of which was discernable. My guides were deceived with respect to the situation of the town; for instead of standing on the edge of the plain through which I marched I found it on the low ground bordering on the Wabash. On turning the point of woods one house presented in my front. Captain Price was ordered to assault that with forty men. He executed the command with great gallantry and killed two warriors.

"When I gained the summit of the eminence which overlooks the villages on the banks of the Wabash, I discovered the enemy in great confusion endeavoring to make their escape over the river in canoes. I instantly ordered Lieutenant-Colonel Commandant Wilkinson to rush forward

with the first battalion. The order was executed with promptitude, and this detachment gained the bank of the river just as the rear of the enemy had embarked, and, regardless of a brisk fire kept up by a Kickapoo town on the opposite bank, they, in a few minutes, by a well directed fire from their rifles, destroyed all the savages with which five canoes were crowded. To my great mortification the Wabash was many feet beyond fording at this place. I therefore detached Colonel Wilkinson to a ford two miles above which my guide informed me was more practicable.

“The enemy still kept possession of the Kickapoo town. I determined to dislodge them; and for that purpose ordered Captain King’s and Logsdon’s companies to march down the river below the town and cross under the conduct of Major Barbee. Several of the men swam the river and others passed in a small canoe. This movement was unobserved and my men had taken post on the bank before they were discovered by the enemy who immediately abandoned the village. About this time word was brought me that Colonel Hardin was encumbered with prisoners and had discovered a stronger village further to my left than those I had observed, which he was proceeding to attack. I immediately detached Captain Brown with his company to support the colonel; but the distance being six miles, before the captain arrived the business was done, and Colonel Hardin joined me a little before sunset, having killed six warriors and taken fifty-two prisoners. Captain Bull, the warrior who discovered me in the morning, had gained the main town and given the alarm a short time before me; but the villages to my left were uninformed of my approach and had no retreat.

“The next morning I determined to dispatch my lieutenant-colonel commandant with five hundred men to destroy the important town of Keth-tip-e-ca-nunk, eighteen miles from my camp, and on the west side of the Wabash;

but on examination I found my men and horses to be so crippled and worn down by a long and laborious march and the active exertions of the preceding day that three hundred and sixty men only could be found in a capacity to undertake the enterprise, and they prepared to march on foot. Colonel Wilkinson marched with this detachment at half past five in the evening and returned to my camp the next day at one o'clock, having marched thirty-six miles in twelve hours, and destroyed the most important settlement of the enemy in that part of the federal territory.

"Many of the inhabitants of this village were French, and lived in a state of civilization. By the books, letters and other documents found there, it is evident that place is in close connection with, and dependent on, Detroit. A large quantity of corn, a variety of household goods, peltry and other articles were burned with this village, which consisted of about seventy houses, many of them well finished.

"Misunderstanding the object of a white flag which appeared on an eminence opposite to me in the afternoon of the first, I liberated an aged squaw and sent her with a message to the savages, that if they would come in and surrender their towns would be spared and they should receive good treatment. It was afterwards found that this flag was not intended as a signal of parley, but was placed there to mark the spot where a person of distinction among the Indians, who had died some time before, was interred.

"On the fourth, I determined to discharge sixteen of the weakest and most infirm of my prisoners with a talk (written) to the Wabash tribes. My motives to this measure were to rid the army of a heavy incumbrance, to gratify the impulses of humanity, to increase the panic my operations had produced, and, by distracting the councils of the enemy, to favor the views of government; and I flatter myself these objects will justify my conduct and secure the ap-

probation of my country. On the same day, after having burned the town and adjacent villages, and destroyed the growing corn and pulse, I began my march for the rapids of the Ohio, where I arrived on the fourteenth of June, without the loss of a single man by the enemy and five only wounded; having killed thirty-two, chiefly warriors of size and figure, and taken fifty-eight prisoners.

"It is with pride and pleasure I mention that no act of inhumanity has marked the conduct of the volunteers of Kentucky on this occasion. Even the inveterate habit of scalping the dead has ceased to influence. I have delivered forty-one prisoners to Captain Ashton, of the First United States regiment at Fort Steuben, for which I have his receipt. I sincerely lament that the weather and the consequences produced by it rendered it impossible for me to carry terror and desolation to the head of the Wabash. The corps I had the honor to command was equal to the object; but the condition of my horses and state of my provisions were insuperable obstacles to my own intentions and the wishes of all."¹

The address sent to the tribes by the released prisoners was as follows:

"To the various tribes of the Piankeshaws and all the nations of Red People lying on the waters of the Wabash:

"The sovereign council of the thirteen United States have long patiently borne your depredations against their settlements on the side of the great mountains in the hope that you would see your error and correct it by entering with them into the bonds of amity and lasting peace. Moved by compassion and pitying your misguided councils, they have frequently addressed you on this subject, but without effect. At length their patience is exhausted and they have stretched forth the arm of power against

¹American State Papers.

you. Their mighty sons and chief warriors have at length taken up the hatchet. They have penetrated far into your country to meet your warriors and punish them for their later transgressions ; but you have fled before them and declined the battle, leaving your wives and children to their mercy. They have destroyed your old town Ouiatanon, and the neighboring villages and have taken many prisoners. Resting here two days to give you time to collect your strength, they have proceeded to your town of Keth-tip-pe-ca-nunk ; but you again fled before them and that great town has been destroyed. After giving you this evidence of their power, they have stopped their hands, because they are merciful as strong ; and they again indulge the hope that you will come to a sense of your true interests and determine to make a lasting peace with them and all their children forever.

“The United States have no desire to destroy the red people, although they have the power ; but should you decline this invitation and pursue your unprovoked hostilities their strength will again be exerted against you. Your warriors will be slaughtered, your towns and villages ransacked and destroyed ; your wives and children carried into captivity, and you may be assured that those who escape the fury of our mighty chiefs shall find no resting place on this side of the great lakes. The warriors of the United States wish not to distress or destroy women and children or old men ; and though policy obliges them to retain some in captivity, yet compassion and humanity have induced them to set others at liberty, who will deliver you this talk. Those who are carried off will be left in the care of our great chief and warrior, General St. Clair, near the mouth of the Miami, and opposite the Licking river, where they will be treated with humanity and tenderness. If you wish to recover them repair to that place by the first day of July next, determined with true hearts

to bury the hatchet, and smoke the pipe of peace. They will then be restored to you, and you may again sit down in security, at your old towns, and live in peace and happiness, unmolested by the children of the United States, who will become your friends and protectors, and will be ready to furnish you with all the necessaries you may require; but should you foolishly persist in your warfare, the sons of war will be let loose against you and the hatchet will never be buried until your country is desolated and your people humbled to the dust.

"Given under my hand and seal at the Ouiatanon Town, this 4th day of June, 1791.

"CHARLES SCOTT, *Brigadier General*."¹

The official report and address have been quoted at some length in order to throw light on one usually misunderstood point. The principal village destroyed, the one containing the seventy houses, well finished, was not the original Ouiatanon town, as stated by Dillon and others, but the one at the mouth of the Tippecanoe and called Keth-tip-pe-ca-nunk.

In the report this is mentioned as "the most important settlement of the enemy in that quarter of the federal territory." In the address it is styled the "great town," while the one destroyed by Scott is mentioned as the Old Town Ouiatanon.

It will also be noticed that he speaks of destroying the towns near Post Ouiatanon on the fourth, the next day after Wilkinson's return. The fact that Keth-tip-pe-ca-nunk is sometimes called Upper Ouiatanon has probably led Dillon and others into this error.

The first of August of the same year General Wilkinson made a second expedition into this Wabash country. Starting from Fort Washington he directed his course so as to

¹American State Papers.

strike the Wabash at the mouth of Eel river. He crossed the river and destroyed an Indian town named Kena-pa-com-a-quā, a few miles from the junction of the two rivers, then directed his course to Keth-tip-pe-ca-nunk. Here he destroyed what little had been made in the way of improvement since his visit in June, and then marched to Ouiatanon, forded the river, destroyed whatever of crops were to be found, and returned to the Ohio.

In his report, after detailing the circumstances of the march, he says: "I have destroyed the chief town of the Ouiatanon nation and made prisoners of the sons and daughters of the king. I have burned a respectable Kickapoo village and cut down at least four hundred and thirty acres of corn, chiefly in the milk. The Ouiatanons, left without houses or provisions, must cease to war, and will find active employment to subsist their squaws and children during the impending winter."¹

After this fearful scourging the subsequent history of the Post Ouiatanon seems enveloped in mystery. The French families took their departure and attached themselves to other settlements. Keth-tip-pe-ca-nunk, before long, becomes the general meeting place of the Indians. It is here that the Prophet locates in 1808, and soon the name is changed to Prophetstown. This was the objective point, when, in 1811, Harrison's campaign against the Indians terminated in the battle of Tippecanoe. The high bluffs on the south side of the river and a little above the old fort still remain. From this eminence General Scott beheld the fort, the Indian towns on the left and farther down the river and the Kickapoo town almost opposite.

Doubtless the white flag he saw was near the ruins of the fort, for, as was their custom, both French and Indians had used a part of this elevation as a burial ground.

¹American State Papers.

The chance visitor to the old fort will no longer see the canoe crossing the river nor any of the varied scenes of Indian town and trading settlement. The outlook is upon fertile valleys and cultivated uplands. In place of the warrior going forth to the hunt, or the trader with canoe well laden with peltry, will be seen the busy farmer in the fields, or the quiet fisher angling for the finny denizens of the water that still abound in the Wabash near the mouth of the Wea.

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REMINISCENCES

OF A

JOURNEY TO INDIANAPOLIS IN THE YEAR 1836

BY

JUDGE C. P. FERGUSON

LIFE OF ZIBA FOOTE

BY

SAMUEL MORRISON

INDIANAPOLIS:
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1893.

REMINISCENCES.

At the August election, in the year 1836, my father had been elected a Representative for the county of Clark. Although I was quite a small boy, he was seized with a desire to take me to Indianapolis to stay with him during the approaching session of the General Assembly, but how to get me there was the question. The Legislature was to meet on the first Monday in December. Judge Dewey, who lived at Charlestown, was one of the supreme judges, and would have to be present at the term commencing on the fourth Monday of November. So it was arranged between them that the judge should take me in charge and go by steamboat to Madison and then by stage to Indianapolis, and a week later my father would take the judge's horse and go through on horse-back, a three days' journey. The programme was carried out, and the judge and myself took passage on the steam-boat Rochester, at the Charlestown landing. As soon as he stepped upon the boat the judge made an inquiry and then shouted to my father, who stood upon the bank, that Pennsylvania had gone for Van Buren. This settled the question as to the presidential election, and their hearts were broken, for they were both stalwart Whigs, and I, too, was very sorry, for I had hoped for the election of the old general who had been at our house the year before and carried off my pet terrier dog.

On the boat the judge met several friends, among whom was Randall Crawford, a great lawyer and father of the now distinguished Harry, who was also on his way to Indianapolis. At Madison, we three took lodgings at Pugh's Hotel and occupied the same room. Next morning, be-

fore it was light, the stage drove up to the door and we got in, after which the driver picked up a few passengers at private residences, one of whom, upon entering, was addressed as judge, and I got to learn that he was Stephen C. Stevens, who had been a supreme judge, and, having resigned, Judge Dewey had been appointed to fill his place.

From Madison to Columbus made one day's journey, and there we expected to meet an Indianapolis stage, that would take us on. We passed the night at the Jones hotel, and the Indianapolis stage failing to meet us, a private conveyance was provided—a common farm wagon—and in that way we were sent on to Franklin. At Franklin, late in the next morning, the stage was on hand ready to take us on. It was not a coach, but a large covered spring wagon, drawn by four horses. Getting so late a start, we trudged the balance of the day and into the night through mud and chuck-holes and over corduroy roads. The distinguished passengers talked a good deal, and to-day I remember some things they said. I know in one of their discussions one of them said the most burning epithet one man can apply to another is to call him a fool. This observation I never forgot, and it came vividly before my mind when I read of Gen. Butler's famous saying, "that among all the mean things which had been said of him, no man had ever called him a fool."

A little after dark on this last day's journey, while perched upon my seat drowsy and worn out, Mr. Crawford aroused me and said, in his peculiar tone of voice, which those who knew him will recollect, "Now you can see the lights of Injeanapolis," and shortly afterwards we were in the town. What a contrast with the present! There were no brilliant lights, no jingling of bells and shrieking of whistles; no yelling of the names of different hotels, but in darkness and in quiet the stage drew up in front of

the Mansion House, kept by Basil Brown, and there emerged therefrom and entered the hotel, cold and tired, a supreme judge, an ex-supreme judge, a great lawyer, and a little country boy.

Next morning, after breakfast, I started out to find William Sheets the Secretary of State, to whom my father had given me a letter. I found Mr. Sheets at his residence, a new and beautiful brick cottage, fine and spacious, which stood upon the ground now occupied by the Denison House. At that time there were two small children in the family. I remember Mrs. Sheets as an affectionate, sweet-faced mother, and an accomplished lady, and certainly during my stay in the family she did all she could to supply the place of a mother to me. She had a piano and a bound volume of music. I noticed on the outside of the music-book the printed name of Mary Randolph, but I did not know until many years afterwards that she was the daughter of Thomas Randolph, the bosom friend of Gen. W. H. Harrison, when he was Governor, and who was slain at Tippecanoe.

I was not long in discovering that Mr. Sheets himself was on the ragged edge. His term as secretary was about expiring and he was a candidate for re-election by the Legislature, and I gathered from the family talk that the candidate of whom he had the most fear was a man by the name of Brown, nor were his fears groundless, for when the election came off William J. Brown was elected. I have heard it stated that this was the first lift given to Mr. Brown, who afterwards became so prominent in both state and national politics.

During my stay the family was visited for a few days by a courtly old gentleman whom they called General Dill. This is a name almost unknown to the present generation, but the student of Indiana history will find that General James Dill figured prominently in the early days of the

territory and state and, if I have not been misinformed, his wife was the daughter of General Arthur St. Clair.

My father having arrived, he took me to the Mansion House to room with himself. He permitted me to go with him to the state-house on the morning of the organization of the House. I witnessed the balloting for speaker and was told that the name of the man elected was Caleb B. Smith. I remember the speaker as a handsome, trimly-built man, hardly of middle age, well-dressed with black broadcloth and I think he had black hair. He did not use a gavel, but a flat ruler was always on his desk. Upon taking his seat he would rap with his ruler and then announce "the *houthe* will *pleathe* come to order." Here I will digress to say that it was probably twenty years after Mr. Smith was speaker before I saw him again when he made his appearance in court at Charlestown in connection with a suit brought to destroy the charter of the old Ft. Wayne and Southern Railroad Company. Time had made its ravages. Instead of a trim, well-dressed man with a head well covered with hair I faced a gentleman inclined to corpulency, careless in dress, with scattering grey hair. But the lisping tongue was still there as was evident in a political speech he was induced to make in which he compared Judge Douglass to Baalam's ass, several times, much to the merriment of his hearers, coming over the expression, "am I not thine *athe*?"

I have a distinct recollection of the features and appearance of many members of the House over which Mr. Smith presided, often carrying messages and doing little errands for them without pay other than the privilege of being in the hall and on the floor when I pleased, and this privilege was given me by old Jim Fislar, the door-keeper.

Joseph G. Marshall was one of the lions of the House, so was Thomas J. Evans, a strong leader on the internal improvement side, not much heard of afterwards because he

did not live many years. William T. J. Jones, a very active and brilliant man, was there from Evansville, but he died a few years afterwards. Robert Dale Owen and George H. Proffit sat near each other. How many of the rising politicians of the last Legislature do you suppose ever heard of George H. Proffit? Yet he was regarded as a very brilliant man in his day, and he and Mr. Owen had it up and down in the first district for many years, sometimes one and sometimes the other going to Congress. When he and Henry A. Wise "Tylerized," George D. Prentice had this to say of them: "Wise is a fool and Proffit is likewise." Mr. Tyler gave Mr. Proffit a foreign mission, at the expiration of which it is said he removed to Louisville, where he died.

On going to my father's room one night I found him engaged in conversation with a large and rough-looking man, who left the room soon after I entered. I was told the gentleman's name was Smith and he wanted my father to vote for him for United States Senator, but he could not do so because he had promised to vote for Gov. Noble. My father kept his promise and voted nine times for Gov. Noble, and on the ninth ballot Oliver H. Smith was elected.

David Wallace was Lieutenant-Governor, a small man with black hair and flashing black eyes. He was a widower, but during my stay at the Mansion House he got married and brought his young wife to the hotel to board, where I often saw them at the table. The present, well-known and beloved Mrs. Wallace is often spoken of as the mother of Gen. Lew Wallace. This is a mistake; she is his step-mother, but, no doubt, she gave to him all the careful and affectionate training it was possible for her to give, the same as if he had been her own son.

Across the hall from our room was the room of a young lawyer to whom I became greatly attached. He flattered

me with little attentions and sometimes would invite me to his room, where his room-mate had a guitar. He told me his name was Otto, and I understood he had some clerical employment under Gov. Noble. Many times after I returned home I thought of the handsome stranger who had been so kind to me, and wondered if I should ever see him again. After seven years rolled away we did come together again in the closest relations of friendship, which have existed ever since. He removed to Brownstown, served one session as principal secretary of the Senate, and then was elected judge of a large circuit, including my own county, when he was twenty-nine years of age. It has always been conceded that he was the most learned and accomplished judge that ever presided in that circuit. He removed to Washington city to become assistant secretary of the interior, and afterwards became official reporter of the United States Supreme Court.

I was permitted to go to school a short time at the old Marion county seminary, of which Mr. Sullivan was principal, but I was a stranger and made few acquaintances. One boy, or rather young man, for he was several years older than myself, I recollect distinctly, for he sat next to me on the same bench against a long writing desk. The young man was Mr. Wm. W. Conner of Noblesville. I saw him only once afterwards and that was while he was serving in the State Senate. Three years ago I went out to this old seminary ground and looked over it, but I could not realize that I had ever seen it before.

Sometime in January I became very anxious to return home, and I expect my father was getting tired of me; at any rate, he put me on Judge Dewey's white horse and started me off in charge of B. J. Adams, a Louisville merchant. Arriving safely at Charlestown, while passing the court-house, the clerk caught sight of me, and ran out to inquire if I knew who was elected to Congress, Wick

or Herod. I think I told him that I had heard some persons say that Mr. Herod was elected. This was a special election to fill the vacancy caused by the death of Mr. Kennard, who was blown up on a steamboat while on his way to Congress.

So ended my first visit to Indianapolis. I never saw the place again until nine years afterwards, when I passed a whole winter there, and possibly I may hereafter write of what came under my own observation during that winter.

ZIBA FOOTE.

Ziba Foote was born in Newtown, Conn., July 4, A. D. 1785, of poor but honest, upright parentage. He taught school to raise money to pay his way into Yale College, and graduated, with distinction, in 1805. In early life he had a strong friendship for a young man by the name of David Sanford, of Newtown, his native place. David was a little older and farther advanced, in 1803, than Ziba. He graduated at Yale College in 1804, the year that Ziba entered. They were so much alike in disposition that their friendship bound them together so that they, at that time, loved as David and Jonathan did.

Jared Mansfield, the surveyor-general, had full control of all the surveys in the northwestern territory, to wit: Ohio, Indiana, Illinois, Missouri, Arkansas and Michigan Territory, with his headquarters at a village on the Ohio river known as Cincinnati.

Wishing to procure the services of some scientific young men from Yale College to assist him in the public surveys, David Sanford was recommended to him, and was engaged. As Sanford had already graduated, he was ready to start at once. Foote, not yet through college, expected soon to follow. Sanford, after completing a contract in Indiana Territory, near Vincennes, was sent north to survey a reserve of four townships at the foot of the rapids of the Maumee river, waiting and hoping for his friend, Foote, to come.

About the first of August, 1805, Ziba Foote started from Newtown, Conn., and, on the 5th day of September, he arrived at Cincinnati, after a long and troublesome journey. Soon afterward the following letter was received at Newtown by his friends:

“FORT WAYNE [date not given].

“On arriving at General Mansfield's I found that Elias Grover and David Sanford had gone up to the northern lakes, surveying, just nine days before my arrival. I presented General Mansfield my letters, and he told me that from my youth and inexperience, prudence would dictate that it would be best for me to go one trip as assistant surveyor, after which he would make me a deputy.”

Mr. Foote started, the day after his arrival at General Mansfield's, in pursuit of his friend Sanford, and found him at Fort Wayne, waiting for Mr. Wm. Wells, the Indian agent, to give him directions about surveying, and from here they went down to Fort Miami, on the lake, Mr. Foote on horse-back and Sanford in a canoe.

Sanford, being much exposed, when he arrived at the Fort, was sick. Foote, in a letter to his father, said:

“Mr. Sanford would not permit me to go into the woods, but kept me to nurse himself. I took very strict care of him until I got sick myself. As there was no one but myself to take care of him, I was compelled to give him what attention I was able. The accommodations were wretched. Mr. Sanford had a tolerable bed. As to eating, he had no appetite, so that lack of these materials was not felt. My fever came on generally at evenings, and I was obliged to lie on the floor, which made my bones ache very badly. In a few days Mr. Sanford died, and I was just able to sit up to see him breathe his last. He was speechless four days before his death. He died on Friday, October 11th (1805), about two hours before day, and was buried the same day about sunset. I determined to go

back to Cincinnati with all speed, for if I stayed there I thought I should die too. The next day there came along four men, with but two horses, who were going almost to Cincinnati. I thought this as good an opportunity as I should find, so I packed up and was just ready to start with them when the fever came on, so I was obliged to stay, and they went on.

“The next morning, feeling fresh and resolute, I got up my horse (one of Sandford's) and pursued after and overtook them before night. That night we all slept in the woods. Next morning we started two hours before day on our journey; we traveled on, and arrived about noon at Fort Defiance. Here I was taken with the fever again, and stayed all night, but they left me and went on. The next morning I set out after my company. I went on about three miles, lost my road, and went back; hired a man for three dollars to pilot me eighteen miles. He went the distance and turned back; I kept on, expecting every minute to overtake the company, knowing, if I failed, I must sleep in the woods alone. It rained very hard constantly. Well, I spurred on till dark, and yet had not overtaken them. I could go no farther, but must spend the night alone in those dark woods. In the first place, I knew that I should want considerable water in the night, but had nothing but my boots to hold it; so I climbed down the river bank and filled one boot with water and placed it so that I could drink out of it during the night. I turned out my horse with a bell on, and hampered him, and all was well so far. I then took out my fire-works and tried for a long time to get a fire, but could not, as it was raining very hard. I begged, prayed, and cried, but all did not make me a fire, and I was obliged to give it up. So I took my two blankets and lay down in the woods, almost doubting if I should ever rise up again. The rain poured down until twelve o'clock. I lay till daylight,

tackled up my horse, hurried on and overtook my company, and at evening we reached a house. The lady's name was Mrs. B. I stayed there ten days, and called her mother; but I had not found the right one yet."

Mr. Foote having returned to Cincinnati quite discouraged, but still determined to work somewhere, he found General Mansfield and informed him of the death of his friend, Sanford. The General, being a man of very tender feelings, could not refrain from weeping when he received the sad intelligence.

Ziba Foote now brought his own case before the General. He was without friends and without money in a strange land, and no work. His high spirits now seemed to be perfectly under a cloud, and he was almost in despair; he knew not where to go or what to do. But relief came to his mind when General Mansfield informed him that he would give him every assistance in his power. He advanced him money, and gave him as much to do in his office as he could do; also assured him that he would give him as much lucrative business in the future as the nature of the case would admit of, and as he became able to perform it. Ziba spent the winter in Cincinnati.

The last letter that he wrote to his friends in Connecticut was dated March 20, 1806, on the Ohio river, off against Fort Massie, and contained the following extract:

"On the 4th of this month I set out to survey with Mr. William Rector, a gentleman with whom I am well pleased."

Next in order is a letter from Wm. Rector to Surveyor-General Mansfield, giving an account of poor Foote's tragic death. It is dated: "Surak's Ferry, Ohio River, May 16th, 1806," and reads as follows:

"Sir, I am extremely sorry to inform you, that about twelve o'clock on Wednesday, the 30th of April, Mr. Ziba Foote was drowned. The circumstances attending this

melancholy accident were as follows: The overflowed country that I was compelled, last winter, to leave unfinished, he was surveying on the east side of the Wabash. He came to a pond, about thirty chains wide, which, from its appearance, he supposed he and his companions could pass through without swimming; but, being uncertain, he fastened his compass and Jacob-staff to his belt, in order to be able to go through at any rate. In this encumbered condition, he went into the pond, and had gone but a short distance when he got over his depth. As soon as he began to swim he called out to his chainmen, and directed them to follow him, for he said he was determined to swim through. They did so, and all swam on very well until they had nearly passed the deep part of the water, when, all of a sudden, Mr. Foote began to sink, and said he was drowning. Mr. Gilkerson, one of the chainmen, who is a very good swimmer, swam to him; but he had sunk so low that he was unable to get hold of him, except by his hat, which was on his head. By this means he kept him up for a short time; but his hat came off, when he at once sank, and never rose again.

"Mr. Gilkerson then went out on the pond, on some logs they had TIED together, and endeavored to raise him with a long pole and a hook, in time to save his life; but the logs, unfortunately, separated, and he was obliged to swim to shore. They then made a raft, on which Mr. Gilkerson went out a second time, and raised Mr. Foote and brought him out; but it was too late. He had been under water about two hours, and life was extinct. His company then made a wooden spade, with which, and an ax, they dug a grave on a small hill near the pond. They then made a bark coffin, and buried him late that evening. His burial was as decent as circumstances would admit of, for the place is remote from all settlements.

"Mr. Gilkerson at once came here to communicate to

me the melancholy intelligence. Sincerely do I regret Mr. Foote's untimely death, for he was a young man who possessed many amiable virtues, among which were industry, perseverance, candor and good *nature*. Often has he expressed to me the most lively gratitude for the friendly treatment he had received at your house. He had endeared himself to all my company in such a manner that, had each one lost a dear relative, they could not have expressed more sorrow at his loss. When I parted with Mr. Foote, at the mouth of the Wabash, I told him he would meet with great difficulties in surveying among the ponds, and requested him not to hurry himself, and in all cases to work around the ponds by offsets. He observed that he would take as much time as would enable him to do the work in the most accurate manner, but said he had been informed that some of his friends at Cincinnati had predicted that he would not stand the fatigue of the woods, and that he was determined to exert himself to accomplish what he had to do as soon as possible, in order to convince his friends that he did not want fortitude to go through with what he was willing to undertake.

"I am yours, etc.,

WM. RECTOR,

"Deputy Surveyor."

The following is from Prof. E. T. Cox:

"When on a visit to Bedford, in Lawrence county, to examine the stone quarries, I came across the tomb of Ziba Foote and Winthrop Foote, M. D., his brother. Dr. Foote was a very learned man and noted for his eccentricities. A very large block of limestone had broken off from the face of a projecting cliff and lay at its foot, in a deep, narrow and secluded valley, close to the town of Bedford, and on Dr. Foote's land.

He had a hole cut into this stone for a vault, in which to entomb the remains of his brother and himself. Many years ago he made a journey on horse-back to Posey

county, to hunt for the grave of Ziba Foote. John Waller, who was then living near Foote's Grave Pond, conducted him to the grave. Ziba Foote's body had been wrapped in the bark of a tree, which served as shroud and coffin.

The bones were gathered up and were carried to their present resting place. On the flat top of the stone sepulcher is a triangular-capped monolith, which bears the epitaph of the two brothers. I was so struck with this singular burial place that I made a sketch of the stone and copied the following memorial :

ZIBA FOOTE, A. B.,
BORN IN NEWTOWN, CONN.,
July 4th, 1785.
DIED
April 30th, 1806.

He graduated at Yale College, with great honor, at the age of 20 years, was drowned in Foote's Grave Pond, Gibson county, Indiana, while conducting government surveys.

His remains lie here.

"And by the buried bones of him whom living I loved best,
See me at last laid quietly, then leave me to my rest."

On the other side of the shaft was :

WINTHROP FOOTE, M. D.,
BORN NEWTOWN, CONN.,
November 30th, 1787.
DIED BEDFORD, IND.,
August 2d, 1856.

By unsurpassed energy he educated himself and graduated in law and medicine with great distinction early in life. Having selected for practice the latter profession, his mental and physical energies secured him success equaled by few of his contemporaries. He emigrated to Palestine in 1818 and to Bedford in 1823.

"And so farewell my dear, good friends,
And farewell world, to thee,
I part with some in love,
With all in peace and charity."

SKETCH OF SAMUEL MORRISON.

Samuel Morrison, the author of the preceding biography, was in many respects a most remarkable man. He was born at Aurora, Indiana, March 1, 1798, and was the first white child born in Dearborn county, which at that time included all of Indiana lying east of the Fort Greenville treaty line. The story of his life presents a picture of the hard experience of the early settlers of the state—especially hard to him because of a lameness which made manual labor difficult for him—and it is given here as he related it to the writer a few months before his death:

“My parents,” he said, “were Pennsylvanians. My father was a soldier in the Revolution, and was wounded at Brandywine. After the close of the war they moved to Kentucky, and in 1796, on St. Valentine’s day, they settled at Petersburg, Ind., then known as Tanner’s Station. There was an old Indian hut there, without any roof or floor, and my father had come over before and fixed it up so that it could be inhabited until he could get something better. My father kept a ferry there. It was just a canoe in which he carried passengers; they made the horses swim alongside. Before 1798 my parents moved to the site of Aurora, where I was born. Both my father and my mother died before I was eight years old. While at Aurora my father assisted Benjamin Chambers. He was a brother-in-law of Israel Ludlow, and they two did the first surveying in southeastern Indiana. They lived near Dayton, O., at the time. Chambers soon afterward came to Indiana and was appointed one of the judges of Dearborn county by Governor Harrison.”

“Where did you go after the death of your parents?”

“I went to Dayton to live with my uncle, Samuel Morrison, who was a wagon-master in the Revolutionary army.

While here I got my first schooling from Thomas Brown, a Quaker. Before I went to school, however, my uncle's oldest daughter, who had some education, used to give out spelling to us younger children, and I learned to spell in words of five syllables before I knew a letter of the alphabet by sight. When I went to school my cousin gave me a piece of an old Dillworth's spelling-book. It was the first half. When we got through it I used to borrow the books of the other children and copy out the lessons for the next day. I copied it in print because I had not learned to write, and so by the time we were through the book I could make very good letters."

This skill in lettering is one which Mr. Morrison developed until he was able to produce work scarcely distinguishable from print. One of his most remarkable productions in this line is a book of the songs which have been favorites with him. He made it, as music is commonly written, with one verse printed under the staves and the others placed below. Every part of it was done with a pen.

"After some months' stay at Dayton," continued Mr. Morrison, "I returned to Lawrenceburg and lived with Eli Girrard and 'Squire Foster, who had married half-sisters of mine. While looking about for employment there I met Captain Crandall, an old sea captain, who hired me to do chores for him. He was the man who took the first ship built at Marietta down the Ohio and Mississippi rivers. When he came to Twelve Mile Island, about Louisville, the water had become so low that he had to anchor and wait until the river raised. While he was there he met Betsy Dorsey, a very pretty girl, who lived in Clark county, Indiana, and they were married. He took her with him down the river, and after the ship was fitted out at New Orleans they went with it to Russia and back again. They were both very kind to me. The cap-

tain had a great many books and was skilled in everything relating to navigation. I asked him to loan me a geography that he had—I think it was Morse's large geography. He did so and I took it home and copied all the maps that were in it. By that I learned a great deal of geography and became a fair draughtsman. 'Captain Crandall also taught me arithmetic as far as the single rule of three, and something about astronomy. He used to take me out at night and point out the constellations of the fixed stars and explain the motions of the planets.'

"Did you go to school while at Lawrenceburg?"

"Very little. My brothers-in-law were poor, and they did not appreciate the advantages of education. They said I knew enough already; that I could read and write and cipher, besides being able to print letters and make maps. In those days there were no free schools, and a boy could not go to school unless some one paid his tuition or gave security for it. I had one quarter's schooling, though. My brother Ephraim paid for it. The teacher was David P. Shook. He could only cipher as far as the single rule of three, however, and so I only went over my old work.

"After a time my brother came up from Clark county on a visit, and I went back with him. He was poor, too, but I was old enough to do manual labor and support myself. I quarried stone and chopped and scored timber. The wages paid were twenty-five cents a day, and board and washing cost a dollar a week. In 1820 I opened a school at Utica, in Clark county. The way a school was started was this: The teacher would take an article of agreement about the neighborhood, and the people would agree to send their children and contribute to pay the rent of the building and the cost of fuel. I had fifty or sixty pupils in my first school.

"The last schooling I had was in 1821. I had saved up a little money and went over to Louisville where a

Presbyterian preacher named Dow was teaching. I agreed to take care of the building for my tuition, but even then my means were so limited that I had to use great economy. I obtained permission from Dow to stay in the school-room at night. I slept on a bench with my books for a pillow. I used to buy bread and sugar, which I kept in my desk, and for three months I ate nothing but bread and drank sweetened water, except on a few occasions when I was invited out to a meal. I felt no bad effects from it, and my head was as clear as a bell. After that I taught school for three years at Utica, and in 1824 went to Lawrenceburg. I taught school in that vicinity until 1832. In vacation I used to go to Dayton and write in the clerk's office and on the supreme court records.

"In 1833 Micajah T. Williams, of Cincinnati, surveyor-general of Ohio, Indiana, Illinois, Michigan, Wisconsin and Iowa, sent for me and told me that he had a place for me at \$500 a year. I was just about closing a contract with the clerk and auditor at Dayton to work for them at \$600 a year, but as Williams said he would increase my salary if I gave satisfaction, I went with him. He soon raised my salary to \$625. While here I was elected trustee and visitor of the city schools. I did not know I was a candidate until I was elected, and at first I decided to decline. I remember a friend of mine told me I had better not. He said there was \$10 fine for refusing an office in this country. I thought it over and concluded to accept. I must confess that I felt gratified that I, a poor orphan boy, should have been selected by my fellow-citizens for a public trust, especially as I received more votes than E. D. Mansfield, whom I considered one of the greatest men in the West while he lived. He was elected from the same ward that I was, at the same time. Joseph Ray, the author of Ray's Arithmetic, was also a trustee and visitor during my term. I remained in the surveyor's office for

thirteen years, and then went to live on a farm on the high land back of Lawrenceburg, which is called 'the ridge.' I lived there until 1871, and then came to Indianapolis."

"You made several maps that were published, did you not?"

"Yes, I drew the first map of Indiana that was published. That was in 1816, and there were only thirteen counties in the new state. It was engraved on copper plate and printed at Cincinnati. I also made a map of Indiana in 1845, which was published at Cincinnati. I circulated it widely, together with a pamphlet giving a synopsis of our land system and our school laws. In 1835 I published the first map of Wisconsin that was ever made. That was before it was set off as a territory. I changed the orthography from Ouisconsin to its present form. The winter before, Congress had a squabble about the name of the proposed territory, but the next winter they made the law giving the name as I had printed it. In 1836-7 I published a map of Iowa and gave the present orthography. Before that it was written Ioway."

"Did you not make some military maps that were used during the rebellion?"

"Yes, sir, I did. I shall always believe that I originated the plan for the capture of Vicksburg. I had been over the country in that vicinity when I was a young man, and knew it well. I made a map showing fifty miles square, including Port Gibson, Grand Gulf and Jackson. Some of my friends advised me to send it to General Grant. I wrote on the margin: 'Grand Gulf and Bruinsburg are the places to capture and hold; then destroy the bridges over Big Black river and Bayou Pierre; these streams will guard your flanks; then march out and capture Jackson; this done, you can take Vicksburg at your leisure.' I sent this to General Grant, and afterwards the canal project on which he was working was abandoned, and my

plan was adopted. I also made a map of eastern Virginia for secret war movements. It was laid off in sections on a base line drawn through Fortress Monroe, and a meridian line through Richmond. By means of this an officer could be ordered to occupy any section as it appeared on this map, and if the instructions fell into the hands of the enemy they would not be understood. General Butler told me that his movements in eastern Virginia were planned and carried out by this map."

Although Mr. Morrison's story is in many particulars stranger than fiction, its accuracy can not be questioned. The struggles of his early life, in which he "breasted the blows of circumstance" and forced his way to an honorable position among his fellows are well known to many old residents. As to his war maps he had the following letters in his possession, which are of much historical interest:

"NEAR VICKSBURG, March 10, 1863.

"*S. Morrison, Esq.*:"

"DEAR SIR—Your note enclosing a map of Vicksburg and surroundings was duly received; also, your second letter.

"The canal across the point will undoubtedly prove a success, and would now have been ready for use, or nearly so, but for an accident resulting from the great rise of water. The river has broken in the upper dam to the canal and filled it with water, making a crevasse in the canal levee about midway of the point. This will set us back probably ten days.

"I am supplied with all the engineers and other staff officers provided for by law, and have not the authority to accept your services as you request.

"Yours, etc.,

"U. S. GRANT, Major General."

“FT. MONROE, VA., March 6, 1864.

“MY DEAR SIR—I have received your very excellent war map of Eastern Virginia, and will have it framed on rollers so that it can be used. From the cursory examination I have been able to give it I think it will be of use, and am much obliged for it.

“Respectfully, your obedient servant,

“BENJ. F. BUTLER, Maj. Gen. Army.

“SAMUEL MORRISON, ESQ.”

“BOSTON, May 25, 1884.

“MY DEAR SIR—The map of yours, after I got to Bermuda Hundreds, along in the summer, was lost, and I don't know that I ever regretted the loss of any one thing more than that, and I am very glad to hear from the author of it, and am grateful for expressions of confidence and regard.

Yours truly,

“BENJ. F. BUTLER.

“SAMUEL MORRISON, ESQ.”

While in the land office, Mr. Morrison made several discoveries and improvements in the systems of work which have since been used in the department. He originated the system of printed sheets for drawing township maps, and had the first plate engraved from which they were printed. He discovered a principle for the calculation of fractional sections, by which the old mode of calculation by latitude and departure was superseded and much time and labor were saved. He also discovered that the relations between the fractional tracts in such fractional sections were such that when the dimensions of one were known the others could be determined by a short and simple process without separate calculation. Although these discoveries have been of great service to the government, Mr. Morrison received no greater reward than the clerks

who did ordinary work by his side. After removing to Indianapolis he suffered financial losses, in consequence of which he petitioned Congress for special compensation, but no action was taken on his memorial.

Although in reduced circumstances, Mr. Morrison's later years were passed in comfort and tranquility. His personal acquaintance with Indiana history was extensive, and he furnished much information to students in that field, as well as writing occasional articles for the newspapers. He died March 1, 1888—the ninetieth anniversary of his birth—respected by all who knew him.

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ROBERT B. DUNÇAN.

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THE BOWEN-MERRILL COMPANY.
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1884.

DURING the month of January, 1879, while convalescing from a long spell of sickness, Robert B. Duncan wrote these four papers about the "Old Settlers" of this section of Indiana; they were written for the Indianapolis *Herald*, a weekly paper, at the request of George Harding, who was then its owner and editor, and appeared in the issues of January 11th, 18th, 25th, and February 1st, 1879.

It was Mr. Duncan's intention to write much more on this subject, but he neglected to do so.

He still resides in this city, at the advanced age of eighty-three, and has lived in this vicinity since 1820.

It is at the request of the Historical Society that I have gathered these papers and furnished them for publication.

JOHN R. WILSON.

Indianapolis, January, 1894.

OLD SETTLERS' PAPERS. No. 1.

In the early spring of 1820, about the last days of March, my father, with his family, settled—perhaps the better expression would be “squatted,” as all newcomers were then called squatters—in an Indian village, situated on the east bank of White river, bordering a prairie of about three hundred acres, situated about four miles south of the present town of Noblesville, the whole of central Indiana being then owned by the general government, unsurveyed, mostly unoccupied, and, with very limited exceptions, heavily timbered. The Indian village above mentioned had been owned and was still occupied by the Delawares (from which tribe the government had but recently purchased a considerable portion of central Indiana) and was the trade station of the late William Conner and his partner, William Marshall, both of whom understood and spoke fluently the dialect of several tribes of the Indians, then inhabiting portions of the state, who made that their trading point. Hence, for a period of nearly three years there was quite a number of Indians in and about the village, mostly Delawares. (I may say something more about these Indians in a separate sketch.) About the time my father squatted in the Indian village William Bush and family, Charles Lacy and family, and a family whose name has escaped my recollection, squatted near the village, but on the opposite side of the river. Judge John Finch (father of Judge F. M. Finch, of this city) had in the previous November squatted on a tract of land about two miles north of the

village, also on the opposite side of the river, with his family. These five families, with Conner and Marshall above mentioned, constituted all the white people then in that part of the country, and with Robert Harding and family, Samuel Harding and family, George Pogue and family, James McIlvain and family, John McCormick and family, Jeremiah J. Corbaley and family, Jeremiah Johnson (Quaker) and David McCurdy and family, who had, as early as April, 1820, settled in what is now Marion county, mostly in or near where the city now stands, constituted all the white people within the territory now composing the counties of Marion, Hamilton, Madison, Hancock, Shelby, Johnson, Hendricks and Boone, so far as my recollection now serves me.

The little prairie adjoining the Indian village in which my father settled enabled him to enclose ten acres of land, and to break up and plant the same in corn, by which a good crop was raised the same year.

Bush and Lacy also availed themselves of the same advantages and privileges and also raised corn the same year. Judge Finch raised a crop of corn upon a small prairie on the land upon which he settled.

The corn previously raised by Mr. Brown and a negro called Bill Allen who had escaped from slavery in Kentucky, and had been living amongst the Indians in this village for a sufficient length of time to have three Indian wives, furnished the several families which I have above enumerated with breadstuff. There being no mills to grind the corn into meal the settlers substituted what was called lye-hominy, and a kind of meal made by pounding the corn in what were called "mortars." This was a very slow process, and did not produce very good meal. To obviate this Mr. Bush, who was a Vermonter, and who had brought with him quite a variety of mechanical tools, procured from White river some stones, out of which he made

two small mill stones, and then prepared the necessary woodwork for putting the same in running condition and fastened the mill up to a hackberry tree on the west bank of the river, the motive power being a long beam operated by horse power, a rawhide rope being used for belting. This mill would produce from two to two and a half bushels of good meal per day, and answered an excellent purpose, not only doing the necessary grinding for our neighborhood but for the settlers of this section, who had to come to our settlement to purchase corn. No toll was charged at this mill. All that was required was that each person should furnish his own horse. This was the first mill built in the New Purchase.

In the fall of this year Judge Finch erected a horse mill upon his land and inclosed it in a log structure covered with clapboards, thus keeping the machinery and operator out of the wet. This mill would grind by diligent application ten bushels of corn per day, and answered a valuable purpose until the next year when Isaac Wilson built what was called a corn cracker on Fall creek, near its mouth, and a mill for grinding both wheat and corn was built by Wm. Linton a short distance above the Wilson mill, about where Indiana avenue crosses the creek.

During the summer of 1820, the commissioners appointed by the legislature to select the four sections of land donated by the national government to the state of Indiana for a permanent seat of government of the state met at the trading station of William Conner (the Indian village above mentioned), as required by law, and from there examined several points on White river—one at "The Bluffs," now in Morgan county; one the site where the location was finally made, and upon which the city now stands; and another the farm then occupied by Judge Finch which was afterwards, when put in market, purchased by John Corwin, one of the commissioners. My recollection is that

the site where Noblesville is situated was never examined by the commissioners. After a careful examination of the several places named, the commissioners settled upon the present location, having failed by one vote only of locating at "The Bluffs." The land where they determined to locate not yet having been surveyed, the commissioners, being under the necessity of waiting several days on the surveyors, returned to the Indian village, where the whole subject was fully and largely discussed and the reasons given for the site selected and why the town should be on the east side of the river rather than the west side.

One reason for locating at this point was that it was nearer the center of the state than either of the other points, or any suitable point that could be found. Another was that this point furnished the best location for boat landing that could be found at any point on the river within any reasonable distance of the center of the state, and the east side was better for that purpose than the west side, and as a further reason, Fall creek was on the east side, and was the stream upon which the mills were to be built, and the town and mills should be on the same side of the river. It was then confidently believed by those wise men (I do not make use of this term in derision for they were wise men of their day), that White river would be made navigable for boats of sufficient size to answer all the commercial demands of the town, and the mills on Fall creek would be sufficient for all milling purposes,—steam for purposes of locomotion or milling purposes being then unknown.

Those views, judging from a present stand-point, appear so absurd that I have seldom spoken of them, and when I have done so, I did it only as I do it now, simply to illustrate the difference between then and now.

The site for the permanent seat of the government having been thus located, quite a number of persons and fam-

ilies later in the same year located in and near the town site, and still more the next year (1821), during which year the town was laid out and the first sale of lots made. In looking over a list of some three hundred of the early settlers of Indianapolis and its vicinity, and their descendants, which I have in my possession, I find a very few of those early settlers still remaining.

January 11, 1879.

ROBERT B. DUNCAN.

OLD SETTLERS' PAPERS. No. 2.

In sketch No. 1 of these jottings I gave an account of how the very early settlers of this part of central Indiana obtained the means of living so far as they consisted of bread and the kind of material out of which it was made. It may not be wholly uninteresting to some of the readers of the *Herald* to learn how the bread was prepared and cooked in those primitive times. As a matter of course, nearly all bread was made of corn meal, prepared in the manner stated in my former sketch, but was not all of one kind. First, there was what was called the "dodger;" secondly, the "pone," and, thirdly, the "johnny cake." The "dodger" was a kind of bread made of corn meal mixed with pure water, with a little salt in it, made into a stiff dough, then rolled with the hands of the good housewife, or one that was to become such, into a ball about the size of your hand, put together into a kind of oblong shape, and baked in an iron bake-oven—a kind of cooking utensil with which all early settlers had provided themselves, being in size about the circumference of a half-bushel measure, and in depth about eight inches, with an iron cover or lid, which could be put on and taken off at pleasure, and so constructed as to hold quite a quantity of coals upon its top. Coals underneath and on top of this oven, taken from a well-prepared wood fire in an old fashioned fire-place, with which all cabins were provided, constituted the heating power with which this kind of bak-

ing was done. "Pone" consisted of a preparation of corn meal mixed with water, with some milk or cream, and a quantity of yeast, prepared in some way known to the cooks, made into a dough not so stiff as that for the "dodger," and placed in this same oven, where, in a short time it would become light, or what was then so considered, and was then baked in the same manner as the "dodger," thus making a loaf about six inches in thickness, and of the full internal dimensions of the oven. The "johnny cake" consisted of a dough made of corn meal with some lard or butter in it, about six inches in width and one inch in thickness, and placed upon a board prepared for the purpose, about two feet in length and from eight to ten inches in width, the baking being done by locating this board lengthwise before the open fire, so as to present the full front of the cake to the fire, and so near it that the heat would, in a reasonable time, thoroughly cook that side of the cake, and enable the cook to loosen the cake from the board and turn the other side to the fire, by which means the cake would soon become thoroughly cooked, thus producing, as I have always believed, the best bread ever made out of corn. The pone was considered the next best, but the dodger, being the most convenient and readily made, was most used.

I do not wish to be understood that these very early settlers, or those that soon followed and joined them, lived by bread alone. Such was far from the case. Meat, after the kind, was quite plenty, and no one, as far as my recollection serves me, suffered for want of meat of some kind. The country was full of game, such as deer, turkeys and pheasants, all of which constituted a very savory meat, and were readily obtained by the skilled riflemen, and nearly all the male portion of the early settlers, even down to quite youthful lads, were skilled in the use of that weapon. There was also a sufficient supply of hogs for

the times,—some brought with them by the settlers, and some procured from Indians, a few of whom followed farming rather than the chase, and hence had procured quite a number of semi-tame hogs, which, when joined to those brought by the settlers, furnished an ample supply of pork and a live stock to start with. The woods in every direction were pretty well supplied with hogs which had strayed away from the Indians, and with their increase had become thoroughly wild. These hogs, both tame and wild, were called elm-eaters, and were peculiarly suited to the times and condition of things where they existed. They were long-legged, long-bodied, had extremely long heads and noses, with short, straight up ears, and would, at this age, present a sorry picture at a show of improved swine, but at the time answered a valuable purpose. The wild hogs could only be made available during "mast" years, which, although occurring oftener then than now, did not occur every year, by reason of which many of these wild hogs lived to become three and four years old before they would become sufficiently fat to make it an object to hunt and kill them.

They thus became fleet of foot and very savage, making their presence at times extremely unpleasant and dangerous to the hunter, who had frequently to take to the nearest available tree for safety. During the non-mast years these hogs lived upon various kinds of roots they found in the woods, which they obtained by rooting with the long noses above mentioned. The principal root upon which they thus subsisted, so far as my recollection serves me, was the sweet or slippery elm, of the bark and fibrous roots of which they (as are all hogs) were very fond. Hence the name, elm-eaters. There was no hog cholera in those times, nor do I recollect of any while the hogs of the country had plenty of woodland to range over—not in even the modern improved breeds.

While on a hunting excursion during the fall just past, in passing through quite a large wood-pasture I discovered the bark of a large number of these sweet elm trees peeled from the ground up to the distance of about two feet, the trees being thus killed. I asked the owner, with whom I was well acquainted, what so peeled his trees; to which he replied, his hogs. I then asked him whether his hogs had ever had the cholera, to which he replied, never among any that had been confined to this woodland, although his neighbor across the way, whose hogs had no such range, had frequently lost large numbers by that disease. Query—Did the elm bark have anything to do in preventing the cholera from visiting the hogs of the owner of this piece of woodland?

To return to the wild hogs: When fattened on mast, particularly hickory and beech, the meat was very oily and sweet, would shrink largely in cooking, and, owing to its oily nature, would not make bacon to advantage. This meat, however, answered a valuable purpose in its time. The capture of these wild hogs, although attended with some danger, offered to the sportsman of that day a considerable amount of real enjoyment which the present generation of sportsmen can never appreciate or enjoy.

Fish, which abounded in great numbers, and of the very best kind, such as bass, salmon, pike, buffalo, redhorse, etc., in White river and all its tributary streams, and were easily captured at all seasons of the year, entered as largely as was desired into the food of the settlers.

Potatoes were raised the first year of the settlement in considerable quantities and of the very best quality, the new soil being better adapted to their growth and perfection than that in long use. This valuable article soon entered and formed a part of the food supply.

Owing to the rich and wild nature of the soil, wheat could not be grown to advantage for several years, hence

all flour used had to be brought from abroad, mostly from the Whitewater country, and was consequently very expensive—so much so that but little was used. When used it was considered a great luxury. It may not be wholly out of place here to briefly describe the manner and by what means the cooking of the food, other than bread, was done in those early times. It was done somewhat in this wise: For the purpose of boiling, a stiff bar or rod of iron-wood (when iron could not be had) was placed in the chimney lengthwise across the fire-place, the end resting upon the outer walls, about midway from front to rear, upon which were placed several hooks made of small iron rods, or of wood when iron could not be obtained, and of different lengths, the whole being of sufficient height that the pots, or stew kettles, as they were sometimes called, when hung upon these hooks would swing free of the fire underneath; in these pots or kettles were all boiled victuals cooked. For the purpose of roasting meats a strong wooden pin was placed in the inner wall of the house immediately over the middle of the large open fire-place. The turkey or venison saddle (both of which were largely used), or other meat to be roasted, was fastened to the end of a small cord (wire when it could be had), of sufficient length, so that when the other end was fastened to the pin in the wall the meat to be roasted would hang suspended immediately in front of the fire, and so near that the heat would soon cook the part near the fire, and by occasional turnings the whole would soon become well cooked—a pan or dish of some kind being always underneath to receive the dropping grease or oil.

As an evidence of the great abundance of wild game in this section of the country at that early day, and the easy manner of capturing the same, it is only necessary for me to state that Robert Harding, one of the very early settlers named in my former sketch, during the summer of the year

1820, on one occasion pushed his canoe containing his hunting material from the mouth of Fall creek (near which he was living) up the river to a point about the fourth of a mile below where the bridge across White river on the Michigan road is situated, being about five miles north of Fall creek, from which point he started homeward about 10 o'clock P. M., and on his way home killed nine deer, all bucks, having determined that night to kill nothing but bucks. On another occasion, during the fall of the same year, he and his brother Eliakim, who had by this time joined him, at a point near where the pork-houses of Kingan and Ferguson now stand, killed thirty-seven turkeys out of one flock, Robert killing twenty-five and Eliakim twelve. This kind of slaughter was not frequent, but the killing of three or four deer, a half dozen to a dozen turkeys and fifteen or twenty pheasants by a single person in a single day or night hunt (deer being mostly killed in the night-time) was not unfrequent.

It will thus be seen that the early settlers were very far from a state of starvation—that, on the contrary, they had a sufficient supply of good, substantial, wholesome food—a considerable portion of the meat used by them being such as would now, if it could be had, be considered a great luxury.

ROBERT B. DUNCAN.

January 18, 1879.

OLD SETTLERS' PAPERS. No. 3.

In the two preceding numbers of these sketches I gave a brief account of what the food supply of the early settlers of this part of central Indiana consisted, and the manner in which it was prepared for use, etc. In this number I shall attempt to show how and wherewith these early settlers were clothed during the first few years. Anticipating some difficulty and inconvenience upon that subject, the settlers brought with them such a supply of substantial clothing, or the material out of which to make the same, as their pecuniary circumstances seemed to justify, being in quantity and quality what was considered sufficient for one year's supply, and suited to the changes of the seasons. Next to a food supply, the industry of the settlers was directed to the production of the material out of which the future supply of clothing was to be manufactured; hence, at a very early period, and as soon as sufficient land could be cleared, inclosed and made ready for the seed, near every farm-house could be seen a growing flax patch. This flax, when fully grown, was pulled and spread upon the same ground to rot, which process was soon accomplished by the dampness occasioned by the rains and the nightly dews. When sufficiently rotted that the woody fiber could be readily broken and separated from the lint fiber, the whole was gathered up, and, after being dried, was, by the hands of the stronger of the male portion of the family, broken by the use of a kind of improvised ma-

chine called a "flax-brake," whereby the woody fibers would become thoroughly broken and mostly removed from the lint fiber, the remainder being removed, by the whole lint fabric undergoing a process called "skutching," the lint at the same time undergoing a softening process, preparing it for the hand of the spinstress.

By the process of what was called "hacking," in vogue in those times, the tow was separated from the thread fiber, and by the use of the spinning wheel (the little wheel), in the handling of which the mothers and all daughters of sufficient age were skilled, the flax was made into a fine, strong thread, called warp, and the tow into a coarser thread, used as "filling." When thus prepared, by the use of a hand-loom, it was woven into a fabric called tow-linen. This was used for summer wear to a considerable extent by both sexes—that by the females being generally colored to suit the taste of the wearer; that worn by the males was left uncolored.

As a means of providing for winter apparel, all settlers that could do so provided themselves with a few sheep, from which they procured wool; and those who could not procure sheep managed to purchase wool, which the good mothers and daughters manufactured into rolls by the aid of a pair of hand-cards particularly provided for the purpose and owned by most families. These rolls were soon spun into yarn by the same hands on what was called the "big wheel," making "filling" (sometimes used for knitting stockings), and when mixed with linen warp and woven, made an article called "linsey woolsey," which, when suitably colored, made a strong, warm, and rather handsome article of female apparel, and was considerably used. This same woolen yarn, when woven in connection with cotton warp, made what was called "jeans," and was used by the males, mostly the older class, and was generally colored, oftener butternut than blue. Some cot-

ton goods, such as cambrics, muslins, and such, were appropriately used by both sexes, but owing to their scarcity and consequent high price, their use was quite limited. The outer apparel of the male population, particularly the younger and more active, soon became buckskin. This material was frequently procured already tanned by purchase from the Indians, but more frequently by the party killing the deer, dressing and tanning the skin himself, and thus making it ready for the tailor. Usually the only articles of clothing made of this material were pantaloons and coats, called in these times "hunting shirts," being much in the shape and style, barring the neat fit, of the sack coat so much in use among the gentlemen of the present time.

There being no professional tailors in the beginning of the settlement, and for some considerable time after, and this material being rather difficult for the seamstresses to handle, the thread used in its manufacture being the sinews taken from the legs of the deer or a thread called "whang," prepared by cutting a long strip as small as possible, so as not to make it too weak for the purpose intended, a large needle and a shoemaker's awl being used in the sewing process, each person, old or young, having a sufficient skill, was under the necessity of making his own clothes.

This was generally done in a strong, substantial manner, and when skillfully performed presented a very genteel appearance.

When not so prepared it is not necessary for me here and at this late day to say more on the subject of appearance.

It was soon found that this buckskin apparel was the very best that could have been devised for the country and times. It resisted the sting of the nettles, the scratch of the briars, the bite of the rattlesnake, and the penetration

of the cold, bleak winds of winter, and at that time was cheap and within the reach of all.

This kind of clothing, as in fact all other, was made quite large so that the wearer would feel free and easy in its use. The consequence of this was that at times in right cold weather the wearer would stand so close to the large log fire that, without being conscious of it, his pants would get so hot that when suddenly pressed to his person by a mischievous associate, the warmth would cause him to leap clear across the room under the impression that the great log fire had fallen upon him. Another peculiarity attached to this kind of pantaloons was that when wet, and allowed to dry without constant rubbing, they became quite hard and remained in the shape last left, and could not again be used until made soft by dampening.

Indian-made moccasins, which were abundant and cheap, were much worn by both sexes (particularly the younger and more active class) in dry weather both winter and summer, being very comfortable and pleasant to the feet and presenting a rather neat appearance. For wet weather strong, well made leather shoes were used. Bare feet were quite as seldom seen then as now. The head-dress for the male population for winter use consisted mostly of a strong, well made wool hat with a low, broad brim something in the style of the hat in use by the elder of the Quakers at this time. A rather unsightly but very warm kind of fur cap was used by some, made out of a well prepared coon skin. For summer wear, a rather rough home-made straw hat was made out of the straw of rye, which was considerably grown for that purpose—the hat being very much in appearance and style of similar hats now in use. The female head-dress consisted in part of a straw bonnet made of the same kind of straw and in part of a sunbonnet generally made out of some kind of fancy colored calico worked over a stiff pasteboard; both straw and

sunbonnets being of a style then in use, and of such shape and construction as to protect both the face and neck from the hot rays of the summer sun and the cold blasts of the winter winds. Doubtless some other and more fancy kinds of head-dresses were procured from the merchants. But as nearly three score years have passed since that time, and as my youthful observations may have been, and doubtless were, more closely directed to the goodly features and bright eyes of the fair wearers than to the particular style of the head-dress, I do not feel competent nor do I consider it my duty at this late day to more particularly describe the style of head-dress then in use. Suffice it to say that it was sufficient to so protect the wearers that eye-glasses were not necessary, nor were they used by young ladies, either for the protection or concealment of their eyes; nor was the use of starch necessary to give the countenance a light and fair appearance.

While there was very little money in circulation among the settlers, there was a valuable substitute to those who availed themselves of it, consisting of the fur skins of the raccoon and muskrat and the skin of the deer, all of which animals were quite plenty. A good deer skin taken in its season was worth fifty cents; that of a raccoon thirty-seven and a half cents, and that of the muskrat twenty-five cents, in trade—the proper season for taking the deer with a view to the value of the skin being from about May 1st to the middle of November; that of the raccoon and muskrat from December 1st to April 1st. There was, therefore, but a very small portion of the year that the skilled hunter and trapper could not in that way and without any considerable loss of time procure means by which to furnish himself and his family, if he had one, with such articles of merchandise as were necessary and as the stores of that early day could furnish. All seemed to have had enough, when properly used, to answer reasonable wants.

The fashion for ladies' dresses in those primitive times was plain, neat, and of such easy, genteel fit as to allow the free use of all muscles and limbs of the wearer. There were no such distorting and torturing fashions then as we see at the present time, in which the wearer of what is called a fashionable dress is compelled to appear upon the streets and highways; a dress which is in any shape but the proper one, and in which the powers of locomotion and physical action of the fair wearer are greatly abridged and restrained with a train (more properly speaking a mop) attached, and unavoidably collecting the filth of the streets and highways, and produced at a cost which, if properly made with a view to neatness and economy, would have furnished two dresses of the same material at the cost of one. False fashions too often make hard times. A semi-return to the fashions and habits of industry and economy, of the descendants of the early settlers of this our goodly land might prove both wise and beneficial at this age and time.

ROBERT B. DUNCAN.

January 25, 1879.

. OLD SETTLERS' PAPERS. No. 4.

As there were no pre-emption laws in existence when the settlement of central Indiana commenced, nor when the lands were brought into market and sold, the permanent settlement and improvement can hardly be said to have commenced until the completion of the survey and the lands had been offered for sale at public auction, and when such as remained unsold were subject to private entry, which did not take place until the fall of 1821, although prior to that time quite a number of families had settled (squatted) upon certain tracts of land, built cabins, and cleared up a number of acres upon which they had raised or were raising corn, vegetables, etc., for family use, trusting to Providence and the mutual understanding among the settlers that the occupant should have the first right and chance to purchase the tract so occupied and improved. In most instances the occupant got the land occupied; but occasionally an ungodly sinner, with more money than the settler, who did not expect to become a citizen and occupant of the land, but purchased purely for speculation, would out-bid the occupant and take from him both land and improvements.

This was not the safest way in which speculation could be made, and not much of it was done. Yet the uncertainty thus caused prevented any more improvements from being made than were absolutely necessary for the shelter and subsistence of the settler and his family until he knew

whose land he was improving. There were no tramps, "vags," or persons of evil repute in the country at that early date. The dependence upon each other caused differences of education and station to disappear, and almost absolute social equality prevailed; hence every person felt that he or she was the social equal of every other person, each being ready and willing at all times to assist others to the extent of his or her power, the latch-string always hanging out.

The first business of the settler, after making his location, was to cut off and remove all the large timber from a few acres upon which his cabin was to be built. Cabins in those early times were built entirely of round logs, from eight to ten inches in diameter, and of lengths to suit the builder, and were covered with clapboards. Where the family was large, cabins were in size about eighteen by twenty-five feet, one nine-foot story, with a rather low garret bed-room above; where the family was small, the building was generally about eighteen feet square, with garret-room. Cabins generally had but one door and one window, but occasionally the larger sized had two of each. The chimney and fire-place were always on the outside of the house, thus allowing the full internal dimensions for the use of the family. The material being made ready and placed on the ground where the building was to be erected, a day was fixed for the "raising." To this all the settlers for several miles around were invited and attended, it being understood that all were needed. There was no shirking: "Help me and I will help you;" "Refuse to help me and you are no neighbor, and you might as well leave." On the day thus appointed the cabin was generally raised and put under roof. Cutting out places for doors, windows and fire-place, putting in the doors and windows, building the fire-place and stick chimney, laying

the puncheon floors, chinking and daubing up the cracks between the logs, were done by the owner at his pleasure.

Log barns and out-houses were added as soon as it could be done without too much of a drain upon the industry of the neighbors. These log cabins were very plain structures, but were such as early settlers could possess themselves of, and when properly constructed, made a strong and tolerably comfortable place to live in, much warmer and more substantial than many of the frame houses of the present time. Into these humble dwellings did the settlers and their families enter, and for many years live, more contented and happy, doubtless, than many now living in elegant and costly stone fronts.

The next thing in order was for the settler, with all his available force, which frequently included his wife or daughter, and sometimes both, to clear off an eligible piece of land upon which to plant a young orchard, all timber being removed from this piece. Here, as soon as the trees could be procured, was planted a small orchard. A few of these orchards, now more than half a century old, can still be seen standing, the hands that planted them having long since passed from earth, and the trees showing the damaging effects of time. This land was generally cultivated in corn or other crops for several years.

The next thing in order in the clearing process was to deaden the timber upon a number of acres of the land to be improved, and then as fast as possible to clear up and put into cultivation as many acres each year as possible, this additional clearing being generally done by grubbing out all underbrush and cutting down all timber having a diameter of eighteen inches at a height of two feet from the ground, and all of a less size, all brush being burned, and the logs cut into suitable lengths for heaping and burning. Generally several acres on each farm were thus prepared during the winter. When thus prepared, a "log-

rolling" was provided for and a day fixed to which all the neighbors were invited. Sometimes the good wife would have connected with the "log-rolling" a "bed-quilting," to which all the women folk were invited and attended. This was frequently the occasion of much merriment and real enjoyment, winding up with a jolly dance, commonly called a "hoe-down." Thus from time to time for several years as new settlers would come in and purchase pieces of heavily timbered land, went on this routine of house raisings, log-rollings, quiltings and dances.

Corn husking, coupled with quiltings, and winding up with dances, soon became an additional means of calling the settlers of both sexes together, particularly the younger.

This part of the country being so far interior and approached only through the wilderness without roads, the early settlers were only able to bring with them such articles of furniture as they could not get along well without, and such as were light and not easily broken by the rough usage to which they would necessarily be subjected. Hence the household and kitchen furniture generally consisted of a reasonable supply of plain, substantial articles, embracing one or more feather beds, with the requisite bedding, a substantial set of pewter wear, etc. The greatest deficiency was in bedsteads, tables and chairs, there being no cabinet makers in the country, and no prepared material for them to work on had there been any. The first settlers were under the necessity of procuring these articles, or rather substitutes, for themselves, which they did in about this wise: For bedsteads, an oak tree that would split well was selected, cut down, and a log about eight feet long taken from the butt and split into such pieces as could be readily shaped into posts and rails. Another log not so long was split into such pieces as, with slight dressing, made slats. Holes were bored with a tolerably large auger in suitable places in the posts for in-

serting the rails; two rails were used for each side, and about three for each end, the end rails answering for head and foot boards. Like auger holes were made in the lower side rails at suitable points for inserting the slats. When properly prepared this bedstead was put together by pressing the rails and slats in the holes prepared for each, thus making a rough but strong high-post bedstead, the posts at the top being tightly held together by rods prepared for the purpose, upon which curtains were to be hung. Thus was created a bedstead. Generally two of these were used in each of the larger sized cabins, placed in the rear end of the cabin, so as to stand lengthwise with the end wall feet to feet, with a space of several feet between beds. Curtains made of fancy colored calico were always hung upon these bedsteads, hiding from external view the deformities of the bedstead, presenting a rather neat appearance and making the beds quite private. Usually the old folks occupied one and the girls the other of these beds. For the boys and young men sleeping places were provided upstairs upon beds on the floor, there not being sufficient space between the floor and roof for bedsteads.

A rough kind of cupboard was provided in all cabins by boring auger holes and driving strong wood pins in the logs in the most convenient corner and in such position that when boards (clapboards, in the beginning), were placed upon them would furnish a rather convenient but not very sightly place upon which to put the dishes. Being always open to view, the tendency was to cleanliness. For tables, a large tree was cut down, and a log, the length desired for the table, was cut off and split into pieces (slabs) as thin as possible. These slabs were generally two feet in width and six feet in length; when dressed and made as thin and smooth as possible two were put together with strong cross pieces tightly pinned with wood pins, the whole set upon four strong legs, thus

as opportunity offered these men of science and great medical skill went forth first to take from the unfortunate patient all the blood that could be extracted from his veins without killing on the spot, then was dosed out calomel enough to kill the largest sized gorilla, which the patient was required to take in doses indicated. He was to be kept confined in a close room so that not a breath of pure, cool air could fan his cheeks or kiss his lips, and was to have neither meat nor drink, warm water alone excepted. This practice, while it lasted, greatly aggravated disease. It killed quick but cured slow. It was far less skillful than that practiced by the Indian doctors. Happily this ignorance was not winked at and soon gave way to a more intelligent and health restoring system, not, however, until some of those practicing it had justly subjected themselves to the soubriquet of "Death on the Pale Horse."

Not quite three score years have passed since the settlement of this part of central Indiana commenced. Yet all those who settled as early as the spring of 1820, and who at the time of settlement had attained the age of manhood and womanhood, have passed from earth. A few of their children who at the time of settlement had not in point of age attained their teens, still remain living witnesses of the great changes which have taken place since that time. The fingers upon the good right hand would be sufficient to number them all. As to these also will soon be verified the truth of the words of the Psalmist, when he said: "For man his days are as grass. As a flower of the field, so he flourisheth; for the wind passeth over it, and it is gone; and the place thereof shall know it no more."

February 1, 1879.

ROBERT B. DUNCAN.

ness of a malarial character here in early times, as there has been and will continue to be in all new countries having a rich and productive soil, as this had ; but the amount was not half as great as charged, nor was the fact that whole families lived, cooked, ate and slept, summer and winter, in the cabin with one room below and a garret bedroom above, the cause of the sickness, when sickness did exist. The fact that the settlers, by reason of their scanty house room, were constantly brought into contact with the purified atmosphere created by the heat of the fire necessarily used, protected them from the malarial diseases so much complained of. The facts were that in those early times numbers of persons and families came to this new country from older states and thickly settled neighborhoods where they had neighbors and associates and plenty of them, and who from habits of life were not suited to the changed condition in which they were placed by the removal. As a consequence they became disappointed, dissatisfied, and were seized with a constant desire to return to the country and place from which they came ; in other words they became "homesick." No little of the alleged sickness consisted purely of this homesickness, and readily disappeared when the afflicted got back to the happy land from which they had so unwisely emigrated. Occasionally these unfortunates fretted and worried themselves into a real spell of sickness. As might have been expected, there was some sickness in those early times, which, as I have always believed, was greatly aggravated by the ignorance of some of the earlier doctors. The physicians who first came amongst us seemed to be wholly ignorant of the malarial diseases peculiar to the country. They generally provided themselves with a goodly supply of the largest and most approved lancets and unmeasured quantities of English calomel. With these evidences of medical skill, a flaming sign, painted on a clapboard, was hung out, and

as opportunity offered these men of science and great medical skill went forth first to take from the unfortunate patient all the blood that could be extracted from his veins without killing on the spot, then was dosed out calomel enough to kill the largest sized gorilla, which the patient was required to take in doses indicated. He was to be kept confined in a close room so that not a breath of pure, cool air could fan his cheeks or kiss his lips, and was to have neither meat nor drink, warm water alone excepted. This practice, while it lasted, greatly aggravated disease. It killed quick but cured slow. It was far less skillful than that practiced by the Indian doctors. Happily this ignorance was not winked at and soon gave way to a more intelligent and health restoring system, not, however, until some of those practicing it had justly subjected themselves to the soubriquet of "Death on the Pale Horse."

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ROBERT B. DUNCAN.

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DOCUMENTS

RELATING TO THE

FRENCH SETTLEMENTS

ON THE

WABASH.

BY

JACOB PIATT DUNN.

INDIANAPOLIS:
THE BOWEN-MERRILL COMPANY.
1894.

INTRODUCTORY.

THE following papers relate to Vincennes and the Wabash country, and more or less to the entire Ohio valley. They almost cover the period of English possession of this part of the United States, the first being the last orders of the last French commandant of Post Vincennes, and the last being a letter of the last English commandant. With the exception of the Gage correspondence and papers they are arranged in order of date. The Gage papers, beginning with the letter of Ste. Marie, or Jean Baptiste Racine, acting commandant of Post Vincennes, to General Haldimand, and closing with the letter of General Haldimand to General Gage, in regard to the matter, show the proof of legal title and right of settlement in the French people of Vincennes which was demanded by the famous letter of General Gage in 1773. This letter will be found in Dillon's History of Indiana at pages 86-88.

I obtained copies of these various documents when writing my "Indiana" for the American Commonwealth series. The farewell proclamation of St. Ange was furnished to me by Hon. C. B. Lasselle, whose ancestors were among the ancient residents of the Wabash country. The remainder were obtained from the Canadian archives. I have reproduced the originals as nearly as possible in spelling and punctuation. In translating I have endeavored to give the ideas that the writers, in my opinion, endeavored to convey.

J. P. DUNN.

Indianapolis, January 22, 1894.

French Settlements on the Wabash.

FAREWELL PROCLAMATION OF LOUIS ST. ANGE.

En vertu de l'ordre M^r de Neyon Major Commandant au payes des jllinois de nommer une personne veller a la pollisse et maintenir le bon order entre les habittans de ce poste j ussi que des vollontaire et les sauvage—Nous Capitaine reformé etante sur le point de partir pour les jllinois pour nous randre au ordre de monsieur de Neyon nous avons nomme monsieur deroite de richarville, fesint les fonctions de Capitaine de millisse conjointement avec le Sr. le Caindre Soldat des troupe—leur premier soint doit etre de maintenir la bonne jntelligensse entre les Sauvage Empechaire le désordre au tems quil dépendera d eux lors qui leur sera porte des plaintes contre quelqun jl le vont attantion de faire un assanble des plus notables entre les habittans du lieu oux la chose ce dasidera a la pluralite des suffrage.

Messieur de roite de richarville et de Caindre ne peuve trop veller a ce que les habittans entretienne leur cloutures etante de l' interait du publique a ce que les animaux ne passe de ter au grains. jl sposeron autant quil pouvont au desordre qui n arive que trops souvent ocasionné par la boissons, lors quil viendera quelque nouvell quel soit jnterressante au bien du service jl auront attention de nous les faire assavoir En fin pour tous les cas que nous ne ferions prevoire nous nous enraportant a leur bonne conduite et a leur application pour le bien publique.

donné au poste Vincene le 18me May 1764.

ST. ANGE.

(Translation.)

By virtue of the order of M. de Neyon, Major Commandant of the Illinois country, to name a person to attend to the police, and to maintain good order among the citizens of this post, as also of the voyageurs and the Indians—I, invalided Captain, being about to depart to the Illinois country according to the order of Monsieur de Neyon have named Monsieur Deroite de Richardville, performing the functions of captain of militia, jointly with Sr. le Caindre, soldier of the troops. Their first care should be to maintain good feeling among the Indians to prevent disorder so long as they are in charge. Whenever complaint shall be made to them against any one they will proceed to call an assembly of the more notable of the citizens of the place, where the matter shall be decided by a plurality of votes.

Messieurs Deroite de Richardville and de Caindre can not watch too carefully that the citizens keep up their fences, it being to the public interest that the cattle should not pass from the commons to the grain fields. They will check as far as they are able the disorders which occur too frequently, occasioned by drinking. Whenever any news shall come to them which may be of importance to the good of the service they will take care to apprise me of it. In conclusion, in all cases which I have not been able to foresee, I depend on their good management and their devotion to the public welfare.

Given at Post Vincennes the 18th of May, 1764.

ST. ANGE.

REPORT OF LIEUTENANT FRASER.

SIR—A detail of the different occurrences of my late journey through the Indian Nations, cou'd neither be very entertaining, nor interesting to any others, but myself. At

your request Sir, I will endeavour to give you a description of the countries through which I passed which is a thing however I should not attempt were I not confident that you will have the goodness to excuse any inaccuracies you may find in it whither occasion by hurry or proceeding from my incapacity.

I am very sensible that my pen can not do justice to the beauties and conveniences that nature has bestowed on the large tract of country lying hitherto uninhabited between Fort Pitt & the Illinois on both sides of the Ohio.

After traversing ninety miles of a beautiful country lying between New York & Philadelphia, and traveling from that place to Fort Pitt, distant 320 miles the greatest part peopled by very wealthy inhabitants I thought I cou'd see no other that cou'd excel it. I was soon convinced however of the contrary on my proceeding down the Ohio on my way to the Illinois. That river (very properly termed *La Belle Riviere* by the French which is the literal translation of the Iroquois name) is formed by the confluence of the *Allegeny* & *Moningahila* Rivers, at Fort Pitt where they lose their names as the Ohio does by falling into the *Missisipe* about forty leagues below Fort Charters & almost due West from Philadelphia after running about two thousand miles in a serpentine course through a country abounding with an incredible quantity of game & constantly presenting different agreeable prospects to the Travelers view.

Tho' this River is considerable at Fort Pitt for its size during the greatest part of the year, yet it is very much increas'd both in Depth and Width by the many Rivers that Discharge themselves into it. The most considerable of these are the *Muskingum*, whereon the *Delaware* live. The *Canaway* which comes from the back Frontiers of Virginia, the *Scioto* on whose Banks the *Shawanise* dwell, *La Riviere de Rochers*, which begins at a little distance

from the Miames, the Ouabache which comes from near the same place & the Cumberland & Cherokee Rivers which fall into it considerably lower. These lesser rivers are navigable for Batteaus during the greatest part of the year. From the middle of October to June, 8 months.

There are no Indian Nations living contiguous to the Banks of the Ohio, but those two I have just mentioned The Delaw & Shaw & the Mingos or Senecas who live a little above Fort Pitt—excepting those of Ouabache on which there are five nations, Ouiachtonons, Quicapous, Mascoutains, Piankishaw & Virmillion, settled besides a French Village called St. Vincent in which there are about sixty farmers who raise a considerable quantity of Wheat and Tobacco, and have a good stock of cattle.

Between this River and the Illinois are several very extensive plains on which there are always vast numbers of Buffaloe & Deer and every other species of game common in that country.

The soil in the Illinois settlements is not so good as at any of the places I have already named owing perhaps to the quantity of sand mixed with it by the Missisipe, the Inhabitants, suppose that the River overflowed formerly, all the land at present cultivated in that Colony & the situation with some other vestiges seem to give great probability to their conjecture.

The land however is capable to produce anything which one cou'd expect in so northerly a climate. They raise a great deal of wheat & Indian corn, they have also most kinds of European fruits and vegetables, tolerably good considering the little pains they give themselves in cultivating them. They have attempted to rear the European vines, which they say they cou'd not bring to any perfection, but I impute their having given it up of late more to the want of skill in those who planted them, or the Monarch's Injunctions prohibiting the raising any thing which

might interfere with the staple commodities of the Northern Country. They make however a very bad Wine, from the natural vine of the country which grows spontaneous in every part of that Colony, this Wine tho' seemingly very unhealthy is sold at a most exorbitant price, when they have none else to drink.

The Illinois Indians are about six hundred & fifty able to bear arms. Nothing can equal their passion for drunkenness, but that of the French Inhabitants, who are for the greatest part drunk every day while they can get Drink to buy in the Colony. They import more of this article from New Orleans than they do of any other, and they never fail to meet a speedy & good market for it. They have a good many Negroes, who are obliged to labour very hard to support their masters, in their extravagant Debaucheries. Any one that has had any dealings with them, must plainly see, they are for the most part transported convicts, or people who have fled for some crimes. Those who have not done it themselves are the offspring of such as those I just mentioned inheriting their Forefathers vices. They are cruel and treacherous to each other & consequently so to strangers. They are dishonest in every kind of Business & lay themselves out to overreach strangers, which they often do by a low cunning peculiar to themselves, and their artful flatteries with extravagant entertainments (in which they affect the greatest hospitality) generally favour their schemes.

There is a rich Lead Mine in that Colony from which they get all the lead, that is needed in the country, and a River, the water of which (tho' fresh to the taste) they make a sufficiency of salt for the consumption of the Inhabitants. But these latter conveniences are unluckily on the Western or Spanish side of the River.

The trade of this Country is extremely considerable, till of late years it was wholly monopolized by the leading

men in New Orleans, but since the last peace, they have allowed any one that wou'd pay the fees of a passport to go to our side of the River and amongst our Indians. This was a very political scheme in them, as every trader became a Partizan for the French in the nations we traded to, or in other words, the introduced those traders, who are in general most unconciencious Rascals and made it their interest to debauch from us such Indians as they found well disposed towards us—and to foment & increase the animosity of such as the found otherwise; to this we shou'd alone impute our late war with the Indians, whom they unwarrantably supplied with ammuniion and every other thing necessary for carrying it on. The N. O. Company for the Fur trade have confined their commerce to the Missouris River since, which falls in about five leagues above our most northern settlement in the Illinois, private traders are permitted to go every where else, and many of them come to our side to trade, particularly into the Illinois River from whence they get a great share of the trade of that Colony.

I discovered also a few days before I left the Illinois that many traders who are permitted by us to come up from Canada with small quantities of goods, on their arrival in the Indian Nations commissions great quantities of goods from the French Merchants at the Illinois with which they purchase skins in the neighbourhood of our Posts & transport them afterwards to the Illinois—but this I hope will be put a stop to when we have troops enough in that Colony to establish proper posts or enable the commander to send Detachments to detect any we may find committing such Frauds.

When our traders arrive from the Post they can undersell those of the French at least 25 per cent. for which reason you may depend Sir that they will use all their endeavours to create us as many enemies as possible as

they will have the whole trade of every Nation they can engage in a war against us. They have an astonishing sway over the Indians, and they will not fail to put it to the proof, to procure themselves Profit. In short Sir it is my humble opinion that our Countrymen at the Illinois will never have a real peace while they are rivals with the French in Trade.

The French Commandments have always been sharers in the Profits of the New Orleans Company and do everything in their power to promote their common Interest. They will make eternal professions of Friendship and good Offices with every Englishman with whom they have the least intercourse, but their double manner of acting shou'd put us on guard to trust them as little as possible & to suspect them of doing us every harm possible in private. I have the honor to assure you of this Sir, from my own experience not from conjecture, and such as have had any business with them regarding his Majesty's Service must have met the same—if any shou'd pretend to say the contrary it must proceed from their having mistaken their flattering protestations for sincerity so far as to overlook their cunning designs. I have on many occasions been flattered by them & had compliments paid me that I had no tittle to a consciousness of the smallness of my own merit convinced me that they were covers for some hidden designs & the Commander in Chiefs gave me sufficient precautions on this head, to keep me always on my guard & to supply my want of Penetration.

You will think Sir from my account of the French in that new Colony that his Majesty has not made very valuable acquisition if we consider only the number of new Subjects he has got in that Colony, and I assure you Sir that we would be as well quit of them, if the Troops in that country unfortunately depend on them in a great measure for their provisions—You have heard Sir how the

greatest part of those who inhabited our side of the River abandon it on our getting possession of the Colony— Their desertion was undoubtedly occasion'd by the reports spread to paint the English government in as bad a light as invention cou'd frame it, but it is to be hoped, they will see how they have been imposed on and that so many will come back as will be able to supply our Troops plentifully.

The French have had Besides Fort Charters a small Fort at Cascaskias and another at Coake, there was a third called Assomption on the Bank of the Ohio opposite to the mouth of the Cherakee River, besides two Forts on Ouabach the one called the great Ouiachtonon was dependant on Canada & the other at little Ouiachtonon or St^t Vincent—dependant on Orleans all those excepting fort Charters are intirely in ruins, some of them that you can scarce see any appearance of they did not seem to me of any great consequence were they even on a better footing as they were situated. The Fort of the Natchez is little better, the Barracks and everything in them seem to have been destroyed through wantonness. I am much surprised that we have not inquired of the French their Reasons for abandoning them so abruptly, without giving us Regular possession of them. I took upon myself to ask their reasons for so doing but I could never obtain any answer, perhaps owing to the difficulty of giving a proper one, or perhaps they did not look upon me as a person of sufficient consequence to inquire into those matters.

I forgot to mention Sir the number of Inhabitants at the Illinois and it is a thing which is very difficult to ascertain as they are going & coming constantly to & from the Indian Nations, as others are from New Orleans to the Illinois, but there are in general about seven hundred white men able to bear arms.

It remains only now to mention something of the In-

dians in general. What can be said of one, may be apply'd to all, there is so great a similitude between them.

The Indians are cruel, treacherous, and cowardly unless they can surprise their enemy without probability of suffering any loss themselves, but in that case they attack often ten times their own number. They are in general great Drunkards. I must except the Ozages nor are the Akansa or Chicasas so passionately fond of drink as other Nations are. These two are extremely like each other and are more remarkable for their attachment to the white people than any other.

As the Chicasas have ever been faithful to us they shou'd be distinguished by our favours to them before any other Nation, and showing a partiality for them before other Indians might inspire others with a resolution of imitating their fidelity Drink is the occasion of all our troubles amongst them and it were much to be wished that the assemblies or councils of the neighbouring Provinces would restrict the sending of it, as has been done to the Northward. I am persuaded Sir, when you well learn the licentious methods of carrying on the trade amongst them, that you will use your endeavours to prevent the fatal consequences we shou'd dread from it. I know no body so proper to inform you Sir minutely regarding it as Mr. John McIntosh commissary of the Chickasaws you need not expect to come at the truth from any *Trader*, but you may safely trust to his information, as I know him to be a man of such honesty that nothing could make him conceal anything which regards his Majestys Service or which you would be desirous to know.

I know no place (as I had the honour formerly to tell you Sir) where we shou'd establish a Fort at sooner than opposite to the mouth of the Missouri River which would give us the command of that River, shou'd we find it hereafter beneficial & wou'd also put a stop to French trading

up the River, a Post at the mouth of the Ouabache wou'd also be necessary to command the navigation of that river and the Ohio, & as a store to secure provisions or goods in coming from Fort Pitt, shou'd it be thought hereafter more expedient to go from thence by land to Fort Charters.

I think also that the mouth of the Yasou is a more proper place for a Post or Settlement than any other place on the Missipi, as it is the common route of the Creeks and Chactaws going to New Orleans.

I beg leave to Inform you Sir that I think if we could prevail on a few Indians to live at the Iberville with the detachment we get there, might be very servicable in killing game for the Troops, and their wives & children wou'd always be good pledges for their Peaceable Behaviour.

I have the honour to be with true respect Sir your most humble Servant

AL^d FRASER.

Pensacola 4th May 1766.

P. S. The Commandants of the French Troops in the Illinois were always impowered to prohibit the exportation of any provisions from the Illinois till the Kings Magazines shou'd be first supplyd. This however the com^{ds} often permitted in consequence of pecuniary considerations from those who exported them I think Sir that your Instructions on this head to your Commanding officer there would be necessary. The Inhabitants might otherwise export their grain and sell it at a lower price to the French than we might offer them for it. I know their antipathy to our Nation would make them embrace with great cheerfulness any sufferings or loss should they in any manner tend to distress us.

In consequence of Mons^r Auburys intercession I understand by a letter from General Gage to him, that there are no reprisals to be made on the Indian Alibamons who lately, so grossly insulted us at the Iberville—as the Tonicaws have not been punished either for having beat back the

22d Regiment, they may think that they may always expect to commit the same Hostilitie with impunity. I think Sir it would not be improper to signify to them that must expect to be all cut off shou'd they for the future give reason to suspect their good intentions—nor do I think it would be wrong to punish them accordingly. The Chicasaws are the Proper Instruments for this duty.

AL^a FRASER.

THOMAS HUTCHINS TO GEN. HALDIMAND.

FORT CHARTRES 15th Nov^r 1768.

V.—15 of October.

SIR—Please to allow me to observe that your Exalted Station like many other high places in life, is not I presume free from some degree of care and trouble, at least so much as to deprive me of the smallest hopes of the Honour of your correspondence, however abstracted from the great obligation a letter from you would lay me under. I shall beg leave to intrude so much upon your time as may be necessary for the perusal of the enclosed it is a short description of the Country near (and River of) the Ohio from Fort Pitt to its junction with the Mississippe. You have it in the form of a journal wrote in haste. I flatter myself it may notwithstanding serve to assist in passing a few of your leisure minutes.

I would trouble you with the Occurrences of this place, but am apprehensive that a detail of them would swell this letter to a tedious length, you will be pleased therefore to excuse the liberty I have taken in referring you to M^r Hutchinson to whom I have wrote a particulars of them.

The Fever and Augue since our arrival has raged with such uncommon violence as to put it out of our power to do scarce anything more than to bury some of our Officers and Men who were carried off by those disorders.

We expect next Spring if the Health of the Garrison permit to take possession of Post St Vincent on the Ouabache, if I should be furnished with any Occurrences worth your notice during my stay there, I shall do myself the pleasure to acquaint you with them.

Colonel Wilkins who is quite recovered from his illness has desired me to present you with his most respectful compliments.

It will always afford me pleasure to be favoured with your commands.

I am with the Greatest Respect Sir, your most obedient
Humble Servant

THO: HUTCHINS

N. B. I must pray you will not }
permit any Person to take a copy }
of the enclosed.

To Brigadier General Haldimand.

JOURNAL FROM FORT PITT TO THE MOUTH OF THE OHIO.

IN THE YEAR 1768.

The country for 71 miles below the Fort to an Indian Village situate on the north bank is broken with very high ridges, the valleys narrow and the course of the River plunged from many high grounds which compose its banks.

90 miles lower down is the Muskingum on the same side, in latitude $39^{\circ} 19'$. The Muskingum is a large River 250 yards wide at its confluence with the Ohio, it is said to be navigable 150 miles upwards with Battoes, and runs through a pleasant country as that near its junction appeared to be—on this River and its branches most of the Delaware Indians reside.

366 miles from Fort Pitt in Latitude $38^{\circ} 22'$ is the Sioto River on the North Side. The River Ohio 50 miles above Muskingum to Sioto is most beautiful a number of Islands are to be seen of different sizes, but all covered with the

Tallest of Timber. The long reaches among which is one of 16 miles, and a $\frac{1}{2}$ inclosed with the finest Trees of different kinds, of various verdures and leaves of the largest soils; afford a noble and enchanting prospect. The stillness of the current and a calm sunshine put a Trace on the Water, from which was reflected the most beautiful objects of simple nature, that I ever beheld. This glorious Vista was terminated by two Sugar Loaf Hills, of easy ascent, from which can be discovered all this magnificent variety. The Rivers Hockhocking & Canawha fall into the Ohio in this space, besides others of a smaller size, up the big Canawha the Northern Indians penetrate into the Chorakee Nations, and is a large fine stream by report navigable 100 miles towards the Southward.

The Country is everywhere pleasant, in the bends of the River course are large levell spots of the Richest Land. it is by the account of Traders remarkably Healthy.

On the Sioto the principal part of the Shawanoe Nation have their Villages 560 miles below Fort Pitt, 5 miles south of the River is the Licks in which Elephants bones are found, the principal Lick is of a circular form, composed of a species of Quick Sand and Black Mud which is of a very Miry Quality. From whence these animals came, and the cause of their Extinction may be a subject for an able Penn to discuss. It however seems not improbable, but that the whole which were in this Country (by what means soever they were brought) kept constantly in one Herd and that arriving at the Licks in a wet season, and entering to satisfy their natural thirst for the salt water which arrises from them, some of them might by their great weight have sunk so deep as not to be able to rise out & the others out of sympathy, or some other cause, not being willing to leave their companions in distress, have shared the same fate. The pasturage near the Licks seems to be one of the finest kind, mixed with grass and Herbage, and well watered.

The Ohio continues to be narrow the whole Distance from Fort Pitt to within 100 miles of the Falls. Its breadth seldom exceeds 500 yards and is confined by rising grounds, which causes many windings, altho the reaches are sometimes from 2 to 4 miles long. The River 100 miles above the Falls widens to 700 yards in many places, a number of Islands appear. The grounds diminish generally into Height, and the country is not so much broken—the height of the Banks permits their being every where inhabited, nor do they seem subjected to crumble much away. The Little and Big Mineamies Rivers fall into below the Sioto on the North side, and the Licking Creek and Kentuckee on the South. There are many good Encampments on the Islands.

The Falls is 682 miles below Fort Pitt in Latitude $38^{\circ} 8'$. This place ought rather to be called a Rapid, as the streams has no sudden pitch, but only Runs with inconceivable rapidity over the Ledge of flatt Limestone Rock, which keeps up the waters of the higher Ohio, and to be the cause of that beautiful stillness of the Rivers course above.

317 miles below the Falls is the Wabash in Latitude $37^{\circ} 41'$. From the Falls to about half this distance the country is very Hilly, the course of the River very winding and narrow and the Hills are mostly strong and steep.

837 miles below Fort Pitt the Ridgy ground disappears, the country grows flat and the River whose Bed widens is often divided by Islands. The River Wabash at its confluence is 300 yds. wide and Issues in with a considerable quantity of water of a muddy kind, it is navigable between 3 & 400 miles upwards. Post St Vincent a French Village is situate 60 leagues up it and nearly the same distance further up stands the Village of Ouiatanon. The Following Indian Nations reside on this River, Vizt.. Ouiatanons Kickapoos Pyankashaws, and Musquetons.

The country between the course of this River and that of the Mississippi is general Flatt, open and of a rich luxurient soil, and that on the Banks of the Ohio is level, and in many places overflowed hereabouts.

120 miles below the mouth of the Wabash and 11 below that of the Cherokee River is the remains of the Fort Massiac, formerly a French Post.

The country 25 miles from the Wabash begins again to be mountainous being the N. W. end of the Apalachian Mountains which entirely terminate a small distance from the River Northernly.

45 miles below Massiac and 1164 from Fort Pitt is the mouth of the Ohio in Latitude $36^{\circ} 43'$. The gentle Ohio is pushed back by the impetuous stream of the Mississippi whose muddy white water is to be seen 200 yards up the Former. The ground for some miles within the Fork is an aggregation of mud and sand interspersed with marsh and some ponds of water, and is in high times of the Mississippi over flowed which is the case with the other sides of both rivers.

THO. HUTCHINS.

STE. MARIE'S LETTER TO GENERAL HALDIMAND.

MONSIEUR—je suis trop remplie de respect pour tout ce qui porte l'emprunte de l'otorité pour avoir manque a faire reponse a celle que votre Excelence marque m'avoir ecrite apres le depart de Monsieur le general Gage. Voicy la seulle que Mons^r Maisonville m'a remise; a laquelle je repond avec tout le respect possible.

Pour faire une plus juste reponse a celle que Monsieur le general Gage nous honora et a la proclamation qu'il nous envoya en date du 8me Avril 1773, je ne puis me dispenser de faire le voyage des Illinois avec Mr. Perthuit qui fui deputé pour cette affaire parcequ'une partie des titres de

cette endroit estoient dans les archives de ce poste une autre partie emporté par un M. Clouvier cy deven notaire et que la mauvaize conduite obliga de partir furtivement d'autres mangé des rats &c.

En fait du ressencement que vostre Excelence exige de nous, il n'est pas surprenen qu'il ne luy fui pas encore parvenue puis qu'il ne put estre party des Illinois qu'au commencement de Septembre. Il a été fait tel qu' estoit la formal que Monsieur le general Gage nous envoya et qu'il recommandait suivre exactement.

Nous y avons joinn le certificat de M^r S^t Ange qui a longtemps commandé en ce poste au nom du Roy de France légalizé par M^r Pierre Nasse, commendent en chef a S^t Louis et de M^r le Capitaine Laird qui a bien voulue se charger du tout pour le faire parvenir a Monsieur le general Gage n'etent pas prevenue que Vostre Excelence gouvernoit en sa place.

Nous sommes tres persuadé que des affaires ainsi mal en ordre ne pouroit avoir qu'un tres meauvais succes si nous n'avions pas la plus ferme confience dans les vertues de vostre Excelence et sous la protection de laquelle nous nous metons; et comme c'est les propres des grandes ames de s'interesser pour un peuple malheureux, nous la supplions de nous estre favorable et faire chouze digne d'elle et ne cesserons de faire des vœux pour sa prosperite.

J'ay l'honneur d'estre avec un tres profond respect

Monsieur

Vostre tres humble et tres obeissant serviteur

S^{rs} MARIE

Au Poste Vincennes le 3e May 1774.

(Translation.)

MONSIEUR—I am too full of respect for all that bears the imprint of authority to have neglected to make reply to that which your Excellence informs me you wrote me after

the departure of Monsieur General Gage. This is the only one which Monsieur Maisonville has sent me, to which I reply with all possible respect.

To make a more correct reply to that with which Monsieur General Gage honored us, and to the proclamation which he sent us under date of April 8, 1773, I was obliged to make the trip to the Illinois with Mr. Perthuit (Perthwaite?), who was sent to attend to this matter, because a part of the title-deeds of this place were in the archives of that post, another part carried away by a M. Clouvier, former notary, whose bad conduct obliged him to depart secretly, others were eaten by rats etc.

In regard to the verification (of titles) which your Excellence requires of us, it is not surprising that it has not yet reached you, for it could not be started from the Illinois before the beginning of September. It has been made according to the form which Monsieur General Gage sent us, and which he recommended us to follow exactly.

We have joined to it the certificate of Monsieur St. Ange, who commanded at this post for a long time in the name of the King of France, authenticated by Monsieur Piernas, commandant in chief at St. Louis, and of Monsieur Captain Lord, who indeed offered to see that it reached Monsieur General Gage, not being aware that your Excellence governed in his place.

We are indeed convinced that affairs in such bad order could not have other than very poor success, if we did not have the greatest confidence in the virtues of your Excellence, and under the protection of whom we put ourselves; and as it is the characteristic of great souls to interest themselves for an unfortunate people, we supplicate you to be favorable to us, and to do as is worthy of you, and we will never cease to offer prayers for your prosperity.

I have the honor to be, with very profound respect,
Monsieur,

Your very humble and very obedient servant

STE. MARIE.

Post Vincennes, May 3, 1774.

POSTE VINCESNES.

(The Recensement, or Verification of Titles.)

Noms des habitants.	Titre par le quel Ils Reclament.	Années des concessions.	Noms des Com-mandis qui ont Concédd.	Gouverneurs Generaux qui ont confirmé les concessions.
J. Bte. Racine.	Entre Ses Mains au susdit. poste.	1749	Mr. St. Ange.	Vaudreuille.
Peron Père	Perdue	.....	Mr. St. Ange.	.....
Peron fils	Perdue	.....	Mr. St. Ange.	.....
Maisonville.	Entre Ses Mains.	1761	Mr. St. Ange.	Kerlerec.
Francois Barrois.	Entre Ses Mains.	1750	Mr. St. Ange.	Vaudreuille.
Binet.	Idem.	1764	Mr. St. Ange.	Dabadie.
Philibert	Idem.	1761	Mr. St. Ange.	Kerlerec.
Lagannière	Perdue	.....	Mr. St. Ange.	.....
Delorier.	Perdue	.....	Vincenne.	Bienville.
La Tulippe	Entre Ses Mains.	1755	St. Ange.	Kerlerec.
Meleyer.	Perdue	.....	.....	.....
Perodeau	Perdue	.....	.....	.....
Thibault.	Perdue	.....	.....	.....
Charls. Bonneaux.	Entre Ses Mains.	1762	St. Ange.	Kerlerec.
Antoine Malette.	Perdue	.....	St. Ange.	.....
Louis Malette.	Perdue	.....	St. Ange.	.....
De Signe.	Entre Ses Mains	1764	St. Ange.	Dabadie.
Joseph Chabot.	Entre Ses Mains.	1768	Chapartee	.....
Bordeleau	Entre Ses Mains	1764	St. Ange.	Dabadie.
Pierre Sans Peur.	Idem.	1764	St. Ange.	Dabadie.
La Déroute.	Verballement	1762	St. Ange.	Kerlerec.
Broûillet.	Verballement	1761	St. Ange.	Kerlerec.
Marier.	Entre Ses Mains.	1749	St. Ange.	Vaudreuille.
Louis Goder.	Idem.	1763	St. Ange.	Kerlerec.
Danis	Idem.	1758	St. Ange.	Kerlerec.

POSTE VINCESNES—CONTINUED.

Noms des habitants.	Titre par le quel Ils Reclament.	Années des concessions.	Noms des Com-mands qui ont Concédd.	Gouverneurs Generaux qui ont confirmé les concessions.
Jean Bte. Sans Peur.	Perdue.	....	St. Ange	.....
Chapeaux	Entre Ses Mains	1763	St. Ange	Kerlerec.
Vaudry	Idem.	1757	St. Ange	Vaudreuille.
Plichon	Idem.	1772	Ste. Marie.	.....
Dielle	Verballement	.....	St. Ange	.....
Tonga L'Ainé	Verballemt	.....	St. Ange	.....
Jean La Garde.	Perdue	.....	St. Ange	.....
Pierre Goder.	Perdue	.....	St. Ange	.....
Clermont	Perdue	.....	St. Ange	.....
Charles Bosseron	Entre Ses Mains	1772	Ste. Marie.	.....
François Bosseron	Entre Ses Mains	1770	St. Ange	.....
Veuve Drouet.	Entre Ses Mains	1754	St. Ange	Kerlerec.
Allair	Perdue	.....	St. Ange	.....
Grimard	Entre Ses Mains	1756	St. Ange	Kerlerec.
Crepaux.	Entre Ses Mains	1771	Ste. Marie.	.....
La Chine.	Entre Ses Mains	1760	St. Ange	Kerlerec.
Sagnaux.	Entre Ses Mains	1762	St. Ange	Kerlerec.
François Plichon	Idem.	1770	Ste. Marie.	.....
Levron.	Idem.	1764	St. Ange	Dabadie.
Cartier	Perdue	.....	St. Ange	Kerlerec.
Chartier	Perdue	.....	St. Ange	Kerlerec.
Deshetres	Verballement	.....	St. Ange	Kerlerec.
Saint Martin.	Verballement	.....	St. Ange	Kerlerec.
Canifaux.	Perdue	.....	St. Ange	Vaudreuille
Morreaux	Perdue	.....	St. Ange	Kerlerec.
Millot.	Verballement	.....	St. Ange	Dabadie.
François La Violette.	Perdue	.....	St. Ange	Dabadie.
Saint Derier	Verballemt	.....	St. Ange	Dabadie.

Lanquedoc frères	Entre Ses Mains.	1770	Ste. Marie	.....	.....
Olivier	Perdue	.....	St. Ange	.....	.....
Dizie	Entre Ses Mains.	1764	St. Ange	.....	Dabadie.
Campaux	Perdue	.....	St. Ange	.....	.....
Bonavanture.	Perdue	.....	St. Ange	.....	.....
Gagnoleté.	Perdue	.....	St. Ange	.....	.....
Latrimouille.	Perdue	.....	St. Ange	.....	.....
Jean Louis De Moyon	Entre Ses Main.	1750	St. Ange	.....	Vaudreuille.
François Goder.	Perdue	.....	St. Ange	.....	.....
La Rose	Perdue	.....	St. Ange	.....	Dabadie.
Paget	Perdue	.....	St. Ange	.....	.....
Cornaux	Verballement	.....	St. Ange	.....	.....
Pelletier.	Entre Ses Main.	1763	St. Ange	.....	Kerlerec.
Touss'de Noyon.	Verballement	.....	St. Ange	.....	.....
Le Feèvre	Entre Ses Main.	1768	Chapard.	.....	.....
Droüin	Verballement	.....	St. Ange	.....	.....
Langoumois	Entre Ses Main.	1763	St. Ange	.....	Kerlerec.
Bergeron	Perdue	.....	St. Ange	.....	.....
La Plante	Verballement	.....	St. Ange	.....	.....
La Foret.	Entre Ses Main.	1764	St. Ange	.....	Dabadie.
Maria	Verballement	.....	St. Ange	.....	.....
Durbois	Perdue	.....	St. Ange	.....	.....
La Fleur	Entre Ses Main.	1772	Ste. Marie	.....	.....
Villeneuve.	Idem.	1764	St. Ange	.....	Dabadie.
Cardinal Millet	Idem.	1764	St. Ange	.....	Dabadie.
Polinette.	Entre Ses Main.	1764	St. Ange	.....	Dabadie.
Brunette.	Idem.	1761	St. Ange	.....	Kerlerec.
Jean St. Aubain.	Perdue	.....	St. Ange	.....	.....
Boyer	Entre Ses Mains.	1761	St. Ange	.....	Kerlerec.
Cournoyer.	Perdue	.....	St. Ange	.....	.....
Veuve Chapard	Entre Ses Mains.	1752	St. Ange	.....	Vaudreuille.
Veuve Mallette.	Entre Ses Mains.	1759	St. Ange	.....	Kerlerec.
François Mallette.	Perdue	.....	St. Ange	.....	.....
Racault.	Entre Ses Main.	1772	Ste. Marie	.....	.....
La Geogc Cardinal.	Perdue	.....	St. Ange	.....	.....

CERTIFICATE OF THE NOTARY PHILLIBERT.

Je, Etienne Phillibert, sous mon propre serment sur les S^{tes} Evangiles Certifie à tous qu'il appartiendra, que plusieurs habitants du poste Vincenne, Lorsque je faisois la fonction de Notaire au dit Poste, avant l' evasion de feu Baumer notaire après moi, lui avoir remis plusieurs contracts de concession appartenans aux habitants, et que l' evasion du dit S^r Baumer, ainsi que le Transport du Greffe de ce poste en celui des Illinois, ont fait perdre quantité de papiers de Concessions, ainsi que des Contracts de Vente, en l' année mil sept cent soizante et un, qui fut ce transport de dits papiers ainsi que l' evasion du dit Notaire. En foy de quoi j'ai signé le présent au dit poste Vincenne Le 12^{ie} Aout 1773.

Signé à L'original,

J. E. PHILLIBERT,

Notaire Royale.

(Translation.)

I, Etienne Phillibert, under my solemn oath on the Holy Gospels, certify to all whom it may concern, that many citizens of Post Vincennes, when I was performing the function of Notary at the said Post, before the flight of the late Baumer notary after me, delivered to him many contracts of concession belonging to the citizens, and that the flight of said Mr. Baumer, and also the removal of the record office of this Post to that of the Illinois, have caused to be lost a number of papers of concession, as well as contracts of sale, in the year seventeen hundred and sixty-one, when this removal of said papers as also the flight of said notary occurred. In testimony of which I have signed these presents at the said Post Vincennes, the 12th of August, 1773.

Signed in original,

J. E. PHILLIBERT,

Royal Notary.

CERTIFICATE OF LOUIS ST. ANGE.

Nous Louis St. Ange de Bellerive ci devant Capitaine d'Infanterie, employé du service de Sa Majestée Très Chretienne, actuellement Capitaine reformé au service de Sa Majesté Catholique: Certifions à tous ce qu'il appartiendra a avoir commande le Poste Vincennes au nom de sa dite Majesté Très Chretienne, avec une Garrison de Troupe Reglies, depuis l'année mil sept cent trente six jusqu'en l'année mil sept cent soizante quatre et que ma premiere commission pour commander dans le dit poste a été de sa Majesté Très Chretienne, sous le gouvernement de M. de Bienville, Gouverneur General de la Louisiâne en la dite année mil sept cent trente six, qu'ensuite j'ai été continué sous les gouvernements de Mess^{rs} de Vaudreuille et de Kerlerec et Dabadie successeurs les uns des autres au dit gouvernement; jusqu'en la dite année mil sept cent soizante quatre; que pendant le dit Temps j'ai concédé a plusieurs habitants diverses Terres et Terrains par ordre de mes dits S^{rs} les Gouverneurs, au nom de sa Majesté Très Chretienne; que de plus le dit Poste étoit établi nombre d'années auparavant mon commandment, sous celui de M. de Vincennes Officier des Trôupes, lequel j'ai relevé par ordre du roi; que l'on doit ajouter foi aux concessions que j'ai delivrées et signées aux dits habitants, qu'en outre j'ai permis verbalement à nombre de particuliers, de s'établir et d'y cultiver des Terres dont ils sont en possession depuis plusieurs années. En foi de quoi avons signé ces presents pour servir et valoir aux habitants du Poste Vincennes a que de raison. Et à quelles fait apposer le cachet de nos armes aux Illinois sur la partie de Sa Majesté Catholique le Trente Aout mil sept cent soizante et treize.

Signé à l'original,

S^r ANGE

(Translation.)

I, Louis St. Ange de Bellerive former captain of infantry employed in the service of His Most Christian Majesty, at present invalided captain of the service of His Catholic Majesty, certify to all whom it may concern that I commanded at Post Vincennes in the name of His Most Christian Majesty, with a garrison of regular troops, from the year one thousand seven hundred and thirty-six until in the year one thousand seven hundred and sixty four, and that my first commission as commandant of the said post was from His Most Christian Majesty under the government of M. de Bienville, Governor General of Louisiana in the said year one thousand seven hundred and thirty six; that thereafter I was continued under the government of Messieurs de Vaudreville, de Kerlerrec, and D'Abadie, successors one to another in the said government until in the year one thousand seven hundred and sixty-four; that during the said time I have conceded to many inhabitants divers lands and pieces of ground by order of my said Srs. the Governors, in the name of His Most Christian Majesty; that further, the said post was established a number of years before my command under that of M. de Vincennes, officer of the troops, whom I succeeded by order of the king; that faith should be given to the concessions which I have signed and delivered to the said inhabitants; that in addition to this I have verbally permitted a number of individuals to establish themselves and cultivate the lands of which they have been in possession for many years. In testimony of which I have signed these presents to secure and establish the rights of the inhabitants of Post Vincennes, and to which I have caused to be attached the seal of our arms at the Illinois on the part of His Catholic Majesty, the thirtieth of August, one thousand seven hundred and seventy three.

Signed in original,

ST. ANGE.

AUTHENTICATION OF DON PEDRO PIERNAS.

L. O. S.

Nous Don Pedro Piernas Capitaine d' Infanterie Lieutenant Gouverneur des Etablissements des Illinois et leur dependances appartenans à Sa Majesté Catholique, certifions a tous qu'il appartiendra que Mons. De St Ange est Capitaine reformé et employé au service de Sa Majesté Catholique, que c'est sa veritable signature, qu'il aposée devant nous au bas du certificat ci-dessus et que foi doit y etre ajoutée. En consequence avons signé le présent, et aposé le sceau de nos armes à St Louis aux Illinois, le trente Aout mil sept cent soizante et treize.

Signé a l' original,

L. O. S.

PEDRO PIERNAS.

[SEAL.]

(Translation.)

I, Don Pedro Piernas, Captain of Infantry, Lieutenant Governor of the settlements of the Illinois and their dependencies, belonging to His Catholic Majesty, certify to all whom it may concern that Monsieur de St. Ange is an invalided captain and employed in the service of His Catholic Majesty; that this is his genuine signature which he affixed before me at the bottom of the above certificate; and that credit should be given to it. In testimony of which I have signed these presents, and attached the seal of my arms at St. Louis in the Illinois country, the thirtieth of August, one thousand seven hundred and seventy three.

Signed in original,

[SEAL.]

PEDRO PIERNAS.

GENERAL HALDIMAND TO GENERAL GAGE.

N. YORK, le 5 Jan. 1774.

MON.—Je viens enfin de recevoir une lettre de Cap^e Lord des Illinois daté du 3e Sep^{re} m'envoyer le recense-

ment (ou plutot les noms) de 88 habitans qui sont etabli au Post Vincene. Cette piece est accompagn   d'un certificat de M. St Ange qui y a command   pendant plusieurs ann  es, et qui dit avoir   t   autoris  e par les differents Gouv^s de la Louisianne, de conceder des Terrains dans les endroits la. Mais la plupart de ces titres sont perdu, soit par accident ou par la mauvaise conduite d'un notaire de l'endroit, de sorte qu'il y a plusieurs de ces habitans qui n'ont d'autre titres que celui de possession, et comme il serait tres difficile de leur disputer, le meilleur serait peutetre de les laisser tranquille, mais de leur donner quelqu'un pour les conduire. Quoique la malle doit se fermer ce soir je tacherai d'envoyer les pieces au compte de Dartmouth, me persuadant que vous vous prendrez quelque arrangement pour les Illinois pendant cet hiver. Le Cap^{ne} Lord me manque que deux habitans Francais ont (a l'exemple de Mons. Murray) achete toute le terrain appartenant a une des tribus des Illinois, qui   tait autrefois tres nombreuses et qui se trouve reduite aujourd'hui    douze Guerriers. J'ai toute lieu de crois que les deux Francais ne sont que les Agents de la meme compagnie qui achete la premier terrain, et il est facile de prevoir qu'il y aura dans peu beaucoup de desordre dans ces cotes la, si on n'y porte une prompte remede, habitans s'etabli augmente et a que jours la fureur.

Je profitais de l'occasion du Lⁱ Ellis qui partit Dimanche dernier pour vous savoir la mort de Commissaire Lake, enfin que si vous avez dessein de servir quelques une de vos amis vous puissiez le faire. J'annonce cet vacance au Secretaire de la Guerre par ce paquet et en attendant que la volonte du Roi soit connu j'ai nomm   le Cap^e Hutchinson pour faire la fonction de Mons. Lake avec ordre de continuer tout les personnes employe dans cette affaire, afin que les choses continent dans l'ordre ou elles ont   t   j'usqua present.

Dans le retour de l'etat Maj. outre mon Aide de Camp,

j'en ai nomme un autre faisant fonction en Amerique et que je payerai par un warrant.

Depuis les nouvelles que vous aurez recues par le Cap^e Cowper il ne s'est rien passé d'extraordinaire et je compte que le vaisseau qui apporte le Thé n' occasionera pas des desordre, on parait bien determiner à le faire reporter sans bruit.

Lady Dunmore arriva hier avec une legion d' enfants. Elle aura de la peine a continuer son voyage le temps etant trev mauvais. Mes compliments à Madame &c.

J'ai l' h.

Je vous prie Mon. d' assurer My Lord Gage de mes respects, et de lui dire que j'ai fait parvenu dans son temps les lettres pour Mons. Campbell qui avait mis sous mon couvert. Je vous felicite d' avoir pu servir Mons. Kemble. On me dit que sa commission de " naval officer " est arrivée.

(Translation.)

NEW YORK, Jan. 5, 1774.

MONSIEUR—I have at length received a letter from Captain Lord, of the Illinois, dated September 3d, transmitting to me the verification (or rather the names) of 88 citizens who are established at Post Vincennes. This document is accompanied by a certificate of M. St. Ange, who commanded there for many years, and who says he had been authorized by the different governors of Louisiana to concede lands in that locality. But the most of these title-deeds are lost, either by accident or by the bad conduct of a notary of the place, so that there are many of these citizens who have no other title than that of possession, and as it will be very difficult to controvert them, it will probably be better to let them remain, but to send some one to govern them. Although the mail ought to close this evening, I will endeavor to forward the documents to Lord Dartmouth, believing that you will adopt some arrangement for the Illinois during this winter. Cap-

tain Lord informs me that two French citizens have (after the manner of Mr. Murray) bought all the land belonging to one of the tribes of the Illinois, who were formerly very numerous and who are now reduced to a dozen warriors. I have every reason to believe that the two Frenchmen are nothing but agents of the same company which bought the first land, and it is easy to foresee that there will be in a little while much disorder in those parts if a remedy is not promptly provided; the settlers will establish themselves, increase, and some day there will be trouble.

I availed myself of the opportunity to write you by Lt. Ellis, who left last Sunday, to let you know of the death of Commissary Lake, in order that if you desired to serve some of your friends you might be able to do so. I announce this vacancy to the Secretary of War by this mail, and until the pleasure of the King shall be known I have appointed Captain Hutchinson to perform the duties of Mr. Lake, with orders to continue all the persons employed in this business, in order that affairs may keep in the same situation that they have been to the present.

In the return of the staff in addition to my aide-de-camp, I have appointed another for duty in America, and whom I will pay by a warrant.

Since the news that you received by Captain Cowper nothing extraordinary has occurred, and I think that the vessel which brings the tea will not occasion disorder, indeed they appear to have decided to take it back quietly.

Lady Dunmore arrived yesterday with a legion of children. She will have trouble in continuing her journey, the weather being very bad. My compliments to Madame, etc.

I have the honor—

I beg you to present My Lord Gage my respects and to say to him that I have delivered in good time the letters to Mr. Campbell which he sent in my care. I congratulate you on having been able to serve Mr. Kemble. I hear that his commission as "naval officer" has arrived.

B 27, p. 295.

THE ROAD FROM DETROIT TO THE ILLINOIS

*By way of the Forts Miami, Ouiattanon and
St. Vincent with some remarks.¹*

	MILES	MILES
From Detroit to Lake Erie.....	18	
To the River Miami ²	36	
To the Foot of the Rapids.....	18	
To the Top of the Rapids.....	18	
N. B. Part of the Ottawa & a few of the Hurons inhabit this part of the River. In the former when the water is low, Canoes cannot pass the Rapids, otherwise than by being dragged over the stones & frequently the Tra- ders are obliged to carry their goods the whole eighteen miles.		
To the end of the still water.....	24	
To the Top of the next Rapids.....	9	
To the Grand Glaze, ³ a river so called on the left going up.	6	
N. B. A few Ottawas live here.		
To the little Glaze on the right.....	3	
To the Kings Glaze on the right (a few Ottawas live here) ..	12	
To the Elm Meadow.....	15	
To Sledge Id (so called from a large stone resembling a sledge)	12	
To the Split rock	6	
To the Wolf Rapid.....	12	
To the great Bend, ⁴	12	
To Fort Miami. ⁵	15	
		216

N. B. The Miami Nation live opposite the Fort and consist of about 50 Men able to bear arms—The Fort is inhabited by Eight or Ten French Families.

¹This Itinerary is not dated, but is deposited with papers of the year 1774, and was probably prepared in that year.

²River Miami—the Maumee.

³Grand Glaze—the Auglaize river; site of Defiance, Ohio.

⁴The Great Bend—in Maumee township, Allen county, Ind. The river is very winding for a number of miles east of this place, so that the distances given appear large when compared with a direct line.

⁵Fort Miami—The British establishment.

	MILES	MILES
Brought over		216
From Fort Miami to Cold Feet ¹ where the old French Fort was	3	
The carrying place to the little River	9	
To the River à Boite	6	
To the Flats	21	
To the little Rock ²	3	
To the Ouabache ³	6	
N. B. Between the Miami & the Ouabache there are Beaver Dams which when water is low Passengers break down to raise it, & by that means pass easier than they otherwise would, when they are gone the Beaver come and mend the Breach, for this reason they have been hitherto sacred as neither Indians or White people hunt them.		
To the River Sallaminee ⁴ on left going down	15	
N. B. This River is navigable for canoes 150 miles.		
To the Pipe River on the left	18	
To the Great Rapid	3	
To the Eel River on the right ⁵	3	
To the Little Rock ⁶	9	
To the Island of Garlic ⁷	15	
To Richards Coal Mine ⁸ on the right close to the river	9	
To the River Tripeccans ⁹ on the right	9	
To Oulattan Fort ¹⁰	18	
This Fort is on the right about 70 yards from the River, the Ouattan Nation of Indians is on the opposite side, & the Kiccaposses are round the Fort, in both villages about 1000 men able to bear arms.		183
		399

¹Cold Feet—i. e., the Indian village of Coldfoot's band. Coldfoot (Pied Froid) was a prominent Miami chief of the middle of the last century. Vide Dunn's Indiana, pp. 65, 66.

²Little Rock river—now known as Bull creek.

³The Wabash—mouth of Little River, site of Huntington, Ind.

⁴The Salominee—site of La Gro.

⁵Eel river—site of Logansport.

⁶Little Rock river—So marked on ancient maps. Probably Crooked Creek, Cass county.

⁷Island of Garlic—Probably an island near Lockport. The distances from Eel river to the Tippecanoe are too great for accurate decision.

⁸At Richards river, on old maps—Probably a small stream that empties opposite Delphi, or one two miles above.

⁹The Tippecanoe.

¹⁰Post Oulattan—After careful study of authorities and maps I located this fort "on the north bank of the Wabash," "a short distance above Indian creek, which the French called Rivière de Boisrouge." About five months after my "Indiana" was published, in February 1889, some workmen who were taking gravel from a bank near the river, about four miles above

	MILES	MILES
Brought over		399
From Fort Ouiattanon Down the Ouabache to the river Vermillion.....	60	
N. B. This River is on the right & at some seasons is navigable for boats about 120 miles. A mile up it is a Village of Piankshaws of upwards of 150 Men.....	3	
To the Highlands ¹ or old Boundary between Canada and Louisiana.....	57	
To Fort St. Vincent.....	120	
To the Illinois by Land, the road is chiefly through Plains and Extensive Meadows.....		240
		240
From Detroit to the Illinois.....		879
N. B. The above distances are all computed.		
The Road from Detroit to Fort St. Josephs by land & from thence to the junction of the Illinois River with the Mississippi by water.		
From Detroit to the River ² Huron or Haudewine Sippy...	40	
N. B. There is a Village of Puttawattamees of six large Cabans—The River at this place is about Fifty feet wide & the water is generally from one and a half to two feet deep, when there are Floods Travellers are obliged to make rafts to cross it—The road to this place bad.		
To the Salt River ³ or Wandayon Sippl.....	12	
N. B. There is another Village of Pittawattamees of five Cabans—This river is never so high as to prevent people passing it.		
To one of the Branches of Grand River ⁴ or Washtanon that falls into Lake Michigan.....	60	
There is another Village of Pittawattamees of eight large Cabans.		112

Indian creek, found the remains of a French officer, as appeared from parts of the uniform still existing. From this and other remains, silver crucifixes, utensils of various kinds, etc., many of which are now preserved at Purdue University, the site of the fort was identified. (Lafayette Call, Feb. 12 and Feb. 19, 1889.) The location was afterwards confirmed by Mrs. Berilia Smith, an aged lady, who came to that region in 1831, and had the site of the old fort pointed out to her by earlier settlers. (Lafayette Call, March 11, 1892.) It is nearly opposite—slightly below—the mouth of Wea creek, near Sand Ridge church.

¹The Highlands—a translation of the French name *terre haute*, which attached to the locality long before the city of Terre Haute was thought of.

²Near the site of Ann Arbor.

³Saline creek—the trail bore to the North from this point, either to avoid the tamarack swamps of Southern Michigan, or to reach the other Pottawattamie villages.

⁴At Eaton Rapids—from this point the road was in a very direct line to Fort St. Joseph. (Michigan Pioneer Collections, Vol. 3, p. 380.)

	MILES	MILES
Brought over	112	
To Reccanamazo River, or Pusawpaw Sippy otherwise the Iron Mine river ¹	75	
N. B. There is another village of Pittawatamees of eight large Cabans, this river cannot be passed in Freshes on Rafts, at other time 1 or 2 feet deep		
To the Prarie ronde ²	30	
N. B. There is a small Lake of about $\frac{3}{4}$ mile wide and 11 miles long, abounding with several sorts of Fish, such as Maskenongi, White Fish &c		
To Fort St Josephs ³	75	
N. B. There is a few Pittawattamees near the Fort the road after you pass the River Huron is very good being mostly on a small height of land & little wood till you come to St Joseph's where you pass thro' about a mile long and another about six miles long.		292
From Fort St Josephe's you ascend that River to a carrying place ⁴	12	
From carrying place to Recankeekee river.....	4	
To the junction of this River with the Iroquois River.....	150	
N. B. In this Fort is a village of 14 large Cabans of Mascoutains.		
To the junction of this river with the Chicaugou ⁵ river which forms the Illinois river.....	45	
N. B. At the Fort there is a Village of Puttawattamees of 12 large Cabans		
To the Rocks or old French Fort called Pumetewes ⁶	90	
To the Mississippi.....	240	
		541
From Detroit to the Mississippi by way of the Illinois River.		833

¹The Kalamazoo—near Battle Creek.

²Prairie Ronde—in the southwest corner of Kalamazoo county, Michigan. The township still bears the name.

³Near Niles, Michigan.

⁴Site of South Bend, Indiana.

⁵The Des Plaines.

⁶Pimetoil.

THE FIRST CENSUS OF INDIANA.*

List of the Inhabitants at Fort St. Vincents on the Ouabache as they were in 1769, since which they have increased rather than diminished.

Mr. Nicholas	Bourcier
De Lorier	Jean Millhomme
Mrs. Mallé	Michelle Depé
Antoine Marci	Legar
Dubois	Dutremble
Nouveau	Millet Cardinal
St. Aubin	Cardinal
Mrs Richarville	Joseph Deroin
Antoine La Framboise	Pierre Miret
Jaque Suinaitte	Duchesne
Pierre Lefevre	Bailoup
Charle Harbonnaux	Languedoc
Pierre Cornville	Chapeaux
François Godere	Vaudrille
François Barois	Pierre Peron
Jean Jazon	Lagarouche Godere
Bordelot	Mallèt
Peleteree	Josephe Chapot
Provencale	Josephe Metaige
Joseph Sabotte	Sanschagrin
Langlois	St. Louis dit-pluechon
De Comte	La fulliade
Valcour	Clairman
Denoiyon	De Ligne
Mallè fils	Grimar
Antoine Peradort	Alexis Delaronte
Orlans	Magnifique Desne.
St. Marie	Jean Lagarde
Lagaissie	Sanspeur
Brunett	Baillon
Desnott	Charle Sachisne
Panat	St. Martin
Arpain	Rapicaut

N. B. Nicholas is the most substantial Inhabitant and has been employed as Justice of the Peace there, by some authority from the commanding officer at the Illinois.

When this list was taken there were fifty women and One Hundred and Fifty Children belonging to the Inhabitants, and Fifty Men able to bear arms including Servants

*Filed with the papers of 1774 and probably of that date.

Names of Inhabitants at Fort Ouiattanon.	Names of the Inhabitants at Fort Miami.
Maisonville	Capuchin
Maignian	Baptiste Campau
Paillé	Nicholas Perot
Lamorceau	Pierre Barthè
J. Cardinal	Bergerson
Lefevre	Berthelemy
Vernette	Dorien
La Riviere	François Maisonville
Clement	Laurain
Pierre Bertin	
Crepô	
Aijot	

LIEUTENANT GOVERNOR ABBOTT, SUPERIN-
TENDENT, TO SIR GUY CARLETON.

SIR—I have the honor of acquainting your Excellency of my arrival the 19th inst; the short time and trouble with the Indians &c has not permitted my taking a general Review of the affairs of this district; since the conquest of Canada, no person bearing His Majesty's Commission has been to take possession; from this your Excellency may easily imagine what anarchy reigns.

I must do the inhabitants justice for the respectfull reception I met with, and for their readiness in obeying the orders I thought necessary to issue.

The Wabache is perhaps one of the finest rivers in the world, on its banks are several Indian Towns, the most considerable is the Ouija, where it is said there are 1000 men capable to bear arms, I found them so numerous, and needy, I could not pass without great expense; The presents though very large, were in a manner despised, saying their antient Father (the french) never spoke to them without a barnfull of goods; having no Troops and only a handfull of french obliged me to esquise in part of their exorbitand demands, which has occationed a much greater expense than I could have imagined, but I believe it not

thrown away, as I left them seemingly well disposed for His Majesty's service.

I have drawn on M^r Dunn for seven thousand five hundred and thirty two Pounds six shillings and tenpence halfpenny New York currency and request your Excellency will order payment, I have likewise took the Liberty of drawing on M^r Dunn for 6428 Livres in favour of Jean Baptiste Racine dit S^t Marie, who has acted as commandant of this place since it was conceded to His Majesty. The fair character he bears with the certificate annexed to his account makes me think it just; I hope your Excellency will excuse the incorrectness of this as I am every minute call'd away and have not a moment to myself; I beg leave to mention M^r Edgar the bearer of this who has had a great deal of trouble, paid all the expences of Government without the least gratification and without whom I could not have kept the accounts in any order from the multiplicity of affairs, I offered him payment which he refused, he came with me to see the country and can much better inform you of it than I can who was continually employed—I shall send off in a few days towards Fort Pitt to see what is doing there; I enclose a note sent me from Mons^r Rocheblave which shews the Spaniards intention toward us and which corresponds with other intelligence I have had. By the nex opportunity I hope to have it in my power to send a circumstantial account of this place, I must not neglect mentioning a M^r Ramsey who has been here about nine years ago from the Illinois. I would beg your Excellency would give me orders concerning the land at this place for few of them have any proper grants though possessed near thirty years.

I have the honor to be with respect
your Excellency's most obedient Hum^l Serv^t
(Signed) EDWARD ABBOTT
Lieu^t Governor & Superintendant of S^t Vincennes

As it is necessary for a commissary of Indian affairs at this place I cou'd wish your Excellency wou'd approve of M^r Edgar a person well qualified for it.

His Excellency Sir Guy Carleton.

Indorsed :—Copy of a Letter from Lieut.
Governor Abbott Superintendant
dated S^t Vincennes
26th May 1777.

In Sir Guy Carleton's (No. 32)
of 11th August 1777
(10)

INDIANA HISTORICAL SOCIETY PUBLICATIONS.

VOLUME II.

NUMBER 12

SLAVERY PETITIONS
AND
PAPERS

BY

JACOB PIATT. DUNN.

INDIANAPOLIS:
THE BOWEN-MERRILL COMPANY.
1894.

INTRODUCTORY.

The following papers are the petitions to Congress from Northwest and Indiana Territories for the suspension of the sixth article of compact of the Ordinance of 1787, and the admission of slavery to the Territory, together with the counter petitions, the reports on them, and the accompanying documents. There is one—the Dearborn county petition of 1808—which appears to be wholly lost, though possibly it may yet be found in printed form, and there is probably one petition from Randolph and St. Clair counties missing, though this is not certain. In addition to these I have included the report of General W. Johnston to the Indiana Legislature in 1808, against the modification of the sixth article, and the opinion of John Johnson in Polly's case. These are the principal documents concerning slavery in Indiana, and most of them are hitherto unpublished, or have practically disappeared in their published form.

The object of this publication is simply to gather and preserve them. The consideration of their origin, their significance and their results forms the greater part of my "Indiana" in the American Commonwealth Series, to which are referred those who may be interested in the subject.

J. P. DUNN.

Indianapolis, February 8, 1894.

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SLAVERY PETITIONS AND PAPERS

THE PETITION OF 1796.

(Am. State Papers. Public Lands, Vol. I, p. 61.)

To the Senate and House of Representatives of the United States of America in Congress assembled, the humble petition of the inhabitants of the counties of St. Clair and Randolph, in the Illinois country, respectfully sheweth:

That the sixth article of compact contained in the ordinance of Congress of 1787, for the government of the Territory Northwest of the Ohio, which declares "That there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes," is, as your petitioners humbly conceive, not only contrary to the promise and assurances made them, on behalf of the State of Virginia, by the then Colonel, afterwards Brigadier-General George Rogers Clark, on his taking possession of this country in the name of the said State, whose troops he then commanded, but also contrary to an express fundamental principle in all free countries, "that no *ex post facto* laws should ever be made."

Your petitioners then were, and now are, possessed of a number of slaves, which the article above recited seems to deprive them of, (perhaps inadvertently,) without their consent or concurrence. It may be said, as it is the better opinion, that all such as were slaves at the date of that ordinance are to continue so during their lives; but then it is also said that the issue of such slaves, born after that

period, are absolutely free. Your petitioners, however, humbly contend that such after-born issue are as much slaves as those born before, because the owners of their parents have and, as your petitioners humbly conceive, always had as fixed and incontrovertible a right to, and interest in, the future issue and increase of such slaves as they have to the slaves themselves. That, notwithstanding the articles in the said ordinance are said to be "Articles of compact between the original States and the people and States of the said Territory," it is, however, a truth that they were made *ex parte* by the original States only; for sure your petitioners are that, if the people then in the Territory had been called upon to make such compact, they never would have consented to enter into one that would deprive them of their most valuable property.

Your petitioners humbly hope they will not be thought presumptuous in venturing to disapprove of the article concerning slavery *in toto*, as contrary not only to the interest, but almost to the existence of the country they inhabit, where laborers can not be procured to assist in cultivating the grounds under one dollar per day, exclusive of washing, lodging and boarding; and where every kind of tradesmen are paid from a dollar and a half to two dollars per day; neither is there, at these exorbitant prices, a sufficiency of hands to be got for the exigencies of the inhabitants, who, attached to their native soil, have rather chose to encounter these and many other difficulties than, by avoiding them, remove to the Spanish dominions, where slavery is permitted, and consequently, the price of labor much lower.

Your petitioners do not wish to increase the number of slaves already in the dominions of the United States; all they hope for or desire is, that they may be permitted to introduce from any of the United States such persons, and such only, as by the laws of such States are slaves

therein. This request, your petitioners humbly hope, will not be objected to as unreasonable, even by the greatest opposers to slavery, seeing they do not pray for the introduction of any foreign slaves into the Territory.

It is laid down by Blackstone, in his Commentaries, Vol. I., pages 424, 425: "That a slave or negro, the moment he lands in England, becomes a freeman, that is, the law will protect him in the enjoyment of his person and property. Yet, with regard to any right which the master may have acquired to the perpetual service of John or Thomas, this will remain exactly in the same state as before; for this is no more than the same state of subjection for life, which every apprentice submits to for the space of seven years, and sometimes for a longer term. And whatsoever service a negro owed to his American master, the same is he bound to render when brought to England." It may then be clearly deduced from the above authority, that any person purchasing, or otherwise acquiring a slave in any of the States, is entitled to his perpetual service in this Territory as a servant; but, as a diversity may happen in the opinions of different judges, your petitioners, therefore, humbly desire and request, should it, in the wisdom of Congress, be thought unadvisable to repeal the article concerning slavery *in toto*, that a law may be passed declaratory of the above maxim laid down by Blackstone, but under such regulations as may be thought necessary; and that, in such case, it may be thereby declared how far, and for what period of time, the masters of servants are to be entitled to the service of the children of parents born during such servitude, as an indemnity for the expense of bringing them up in their infancy.

This mode, it is humbly conceived, will obviate any objections that may be made to the continuation or introduction of slavery into the Territory, even by its most strenuous opposers; will undoubtedly ameliorate the condition

of those who, being slaves in the United States, may be so fortunate as to be brought into the Territory as servants for life; and will be the means, perhaps, in a great degree, of attaining that object so much wished for by some—"a gradual abolition of slavery."

And your petitioners further beg leave to represent that the resolves of Congress, of 20th June and 29th August, 1788, making a donation of four hundred acres of land to each of those who were heads of families in the Illinois country, in the year 1783, do, generally speaking, direct the same to be laid off on lands the private property of different inhabitants in the respective villages therein, who claim the same by virtue of grants made thereof, in fee, by the former Governments of the country; and that, especially, every foot of land (Fort Chartres excepted) between the ridge of rocks and the River Mississippi, and between the mouth of the River Kaskaskia and the villages of Kaskaskia, Prairie du Rochers and St. Phillip's and for several miles upwards, is private property, the same having, as before mentioned, been granted and conceded in fee by authority of the French Government, and now owned and occupied by divers private individuals. And they beg leave also to observe that the lands on the face of the said ridge of rocks, and for some distance in the rear are broken limestone lands, full of sink-holes, with, in general, but a very thin soil, and in many places none at all, the rocks appearing on the surface, so that they are not of any present value or utility; that there is, however a body of good farming lands on the Kaskaskia River, a few miles above the village of that name, at a place called "the Long Prairie," where they would wish to lay their donation lands on; and, as it was the humane intention of the then Congress to give such of your petitioners as are entitled thereto such lands as would prove a resource to them whenever the Indian trade should be exhausted, and

which is now in a manner entirely decayed, they can not but hope that they will be permitted to lay the same at that place, the Indian titles to which, they are credibly informed, are extinguished. This method of laying off the donation lands in one compact body will, they humbly submit, be more beneficial to the United States than laying them off according to the last law, in four different bodies, for the four respective villages.

And your petitions further show that, by a late law of the United States, it is ordained that the expense of surveying the lands belonging to the inhabitants of Vincennes should be defrayed by the public; and as the same reasons which conduced to the making of that law may be equally applied to the Illinois country, they have every reason to hope that no distinction will be made between the inhabitants of both places, and that, therefore, the beneficial effects thereof will be also extended to them.

Your petitioners, therefore, humbly pray that the sixth article of compact in the ordinance of 1787 may either be repealed or altered, so as to give permission to introduce slaves into the said Territory from any of the original States, or otherwise; that a law may be made permitting the introduction of such slaves as servants for life, and that it may be enacted for what period the children of such servants shall serve the master of their parents. That the expense of surveying their lands may be paid by the United States; that they may be permitted to lay their donation of four hundred acres of land at the said prairie, called the Long prairie, and running up the River Kaskaskia, in such form as may be directed by law for quantity; and that they may have such further and other relief in the premises as to the justice and wisdom of the United States may seem meet. And your petitioners, as in duty bound, shall ever pray, etc.

For and on behalf of the inhabitants of the said counties of St. Clair and Randolph.

JOHN EDGAR.
WM. MORRISON.
WM. ST. CLAIR.
JOHN DUMOULIN.

Kaskaskia, January 12, 1796.

REPORT ON THE PRECEDING PETITION.

(Am. State Papers. Public Lands, Vol. I, p. 60.)
4th Congress. 1st Session.

THE EXCHANGE OF CERTAIN DONATIONS OF LAND IN THE
NORTHWESTERN TERRITORY.

Communicated to the House of Representatives, May 12, 1796.

Mr. Coit, from the committee to which was referred the petition of John Edgar and others, in behalf of the inhabitants of the counties of St. Clair and Randolph, in the Illinois country, made the following report:

That the petitioners pray for some alteration or modification of that part of the ordinance of Congress, passed on the 13th day of July, 1787, for the government of the Territory of the United States northwest of the River Ohio; which declares it as one of the "articles of compact between the original States and the people and States in the said Territory, and forever to remain unalterable, unless by common consent; that there shall be neither slavery nor involuntary servitude in the said Territory."

The petitioners being only four in number, and producing no power by which they claim to petition, even in behalf of the inhabitants of the said counties; and no evidence appearing of the wishes of the rest of the inhabitants of the said counties; and your committee having information that an alteration of the ordinance, in the manner prayed for by the petitioners, would be disagreeable to

many of the inhabitants of the said Territory : they have conceived it needless to enter into any consideration of the policy of the measure, being persuaded that, if it could be admissible, under any circumstances, a partial application, like the present, could not be listened to ; they are, therefore, of opinion that this part of the prayer of the petition ought not to be granted.

The petitioners further state that, by a resolve of Congress, passed on the 20th day of June, 1778, provision was made for laying off certain lands to the heads of families residing in the Illinois country ; and that a great part, if not the whole, of the locations where the said lands were ordered to be laid out is covered by titles acquired under the ancient Government of the country ; and that part of the said locations is rocky and of little value : wherefore, they pray that the said lands may be ordered to be laid out in a different place, and at the public expense.

The committee find that, by the said resolve, the Governor of the Territory of the United States, Northwest of the River Ohio was authorized and directed to lay out, as a donation to each of the families residing in the several villages of Kaskaskia, Kahokia, La Prairie du Rochers, Fort Chartres, and St. Philip's, four hundred acres of land, in three parallelograms, adjoining to the villages of Kaskaskia, La Prairie du Rochers, and Kahokia, and between the River Mississippi and a ledge of rocks which runs from the Kaskaskia to the River Illinois, at the public expense. That, by an act of Congress, passed on the 3d of March, 1791, the said Governor was authorized and directed to confirm all lands which had been actually improved and cultivated, at Vincennes or in the Illinois country under a supposed grant of the same, by any commandant or court claiming authority to make such grant to the persons who have made such improvements, or such parts thereof, as he, in his discretion, might judge reason-

able, not exceeding, to any person, four hundred acres; and the said Governor was further directed to lay out the said donation lands agreeably to the said resolve of the 20th of June, 1788.

The committee are, not informed that any proceedings have been had under the resolve or act aforesaid, as relative to the people living at Kaskaskia, La Prairie du Rochers, Kahokia, Fort Chartres, or St. Philip's; and are informed by the Governor of the Northwestern Territory that the locations pointed out in the said resolve for the said donation lands are nearly, if not entirely, covered by grants made under the ancient government of the country, or by irregular grants, which are confirmed by the act aforesaid.

By the late Indian treaty, Post Vincennes, on the Wabash, and the lands adjacent, of which the Indian title has been extinguished, and the lands at all other places in the possession of the French people, and other white settlers among them, of which the Indian title had been extinguished, are reserved to the United States; whether the lands on which the petitioners pray to have their donations laid are included within these reservations does not appear with certainty, although it is presumed they are not claimed by any Indian tribe.

It not appearing how much of the lands, on which the said donations were originally directed to be laid, is not covered by the said ancient grants, and it being probable that there does not remain uncovered by the said grants a sufficiency for satisfying the said donations, the public faith engaged to the people settled at those villages seems to require that some further provision should be made. The committee, therefore, submit the following resolution:

Resolved, That the Governor of the Territory Northwest of the River Ohio be authorized and directed to cause to

be laid out certain donation lands to the inhabitants of the villages of Kaskaskia, La Prairie du Rochers, Kahokia, Fort Chartres, and St. Philip's, in manner as directed by a resolve of Congress of the 20th of June, 1783, on any lands of equal value with those in the location directed by the said resolve, in the vicinity of those villages, which are the property of the United States, and to which the Indian title has become extinct.

PETITION OF OCTOBER 1, 1800.

(Copy of Original Paper. Senate Files.)

To the Senate and House of Representatives of the United States of America in Congress Assembled, the humble petition of the inhabitants of the counties of Randolph and St. Clair, in the Indiana Territory, respectfully sheweth:

That your Petitioners and their forefathers, Inhabitants of the Illinois country prior to the ordinance for the government of the territory of the United States north-west of the River Ohio, possessed a number of Slaves, with whose assistance in the Cultivation of the Earth, together with the Indian Trade, which was then considerable, they lived in affluence; that those slaves were held under the laws of French and English Government, and also under the laws of the State of Virginia during the time this Country was esteemed a part of that State; that on the arrival of Governor St. Clair, in the year one thousand seven hundred and ninety, your Petitioners were surprised and grieved to find, from the first official Information given them, that an Ordinance had been made by Congress for their Government which, in effect, tended to deprive them of their most valuable property, and which in its Consequence, as was then easily foreseen, has reduced them to the most abject state of Poverty and distress, the most wealthy of the In-

habitants having immediately removed with their families and Effects into the Spanish Dominions ; that the Emigration from sundry parts of the United States into the Spanish Province of Louisiana is immense, much more so than is generally thought, and among them numbers of wealthy, reputable and industrious persons, all, or the most part of whom, but for the absolute prohibition of Slavery or Servitude, would settle in this Territory.

Although your Petitioners are opposed to an unconditional state of Slavery, and venerate the philanthropy which caused the prohibition of it and of involuntary Servitude in the Ordinance for the Government of the Territory, yet they can not but entertain the hope that a mode adapted as well to ameliorate the Condition of the unfortunate people concerned as to establish a gradual abolition of Slavery will meet with your approbation.

The mode your Petitioners wish and pray you to adopt is to permit of the Introduction into the Territory of any of those who are Slaves in any of the United States who, when admitted, shall continue in a state of Servitude during their natural lives, but that all their children born in the Territory shall serve the males untill thirty-one and the females untill twenty-eight, at which time they are to be absolutely free. To the adoption of such a modification of Slavery your Petitioners can not conceive any well founded objections will be made. It can not but meet with the support of those who are friends to the gradual abolition of Slavery, and your Petitioners can not entertain the Idea that any will be found to oppose a measure which in the course of a very few years will, in all human probability, rescue from the vilest state of Bondage a number, and without doubt a considerable number, of Souls yet unborn. Your Petitioners do not wish to increase the number of Slaves in the United States by the introduction of any from foreign Dominions. Their wishes, on the con-

trary, tend considerably to diminish the number by emancipating those who, whether born in the United States where their parents reside or removed into the Spanish Dominions, would otherwise be born Slaves.

And your Petitioners further shew that they experience all the Inconvenience arising, as well from a want of a sufficiency of Lands open to a settlement to admit of a population adequate to the support of ordinary County Establishments as from the want of publick roads and houses of Entertainment to the seat of Government.

That without the beneficent interposition of the United States in extinguishing the Indian Titles, if any exist, to the lands in their neighborhood, and in granting certain tracts of lands between the Illinois and Vincennes at the distances of a day's Journey each from the other to those who would open roads between those places and keep houses of Entertainment thereon, they must continue to endure those Inconveniences which become daily more felt from the increase of Business and intercourse between the seat of Government and this Country.

Your Petitioners beg leave to observe that the Kaskaskia Tribe of Indians, who alone can claim the Country in their neighborhood, do not exceed fifteen in number, and that their Title may be purchased on very easy and moderate terms.

And, lastly, your Petitioners shew that for many years prior to the Treaty of Greenville they suffered innumerable acts of Cruelty from the Indians in their neighbourhood; that they fondly hoped that Treaty would have secured them from a repetition of the former depredations. They have, however, sincerely to lament that their hopes have not been realized, but that as an extensive defenseless frontier they are daily exposed to their depredations, and will continue to be so unless protected by the Establishment of one or two Garrisons in the Country.

Altho, your Petitioners are not immediately represented in the Congress of the United States, they have, nevertheless, from Experience, the Satisfaction to know that their Interest and Welfare are always attended to in your honourable Houses.

They, therefore, humbly pray :

1. That the sixth Article of Compact contained in the Ordinance for the Government of the Territory may be so modified as to admit of the Introduction of Slaves from any of the United States, to continue as such for their natural lives, but that the issue of such Slaves born in the Territory may be declared free—the males at 31 and the females at 28 years.

2. That the Indian Titles, if any exist, to the lands in their neighbourhood, viz. : From the rocking Cave on the Ohio, which is situated about forty miles above Fort Massac, thence in a northerly course untill it meets the Illinois river, thence down that river to its discharge into the Mississippi, thence down the Mississippi to the mouth of the Ohio, thence up the Ohio to the place of Beginning, may be extinguished and then sold to Settlers.

That tracts of land at the distance of a day's Journey from each other may be ceded to those who will undertake to open a Road between the Illinois and Vincennes, and keep houses of Entertainment thereon for five years at least to come for the accommodation of Travellers.

And that one or two Garrisons may be established in the Country, or that such other mode may be adopted for the Relief and for the Encouragement of the Settlement of this frontier part of the union, as to you, in your Wisdom, shall seem meet, And your Petitioners as in duty bound shall ever Pray, etc.

1st October, 1800.

Jno. Rice Jones,	William Morrison,	Basil Lachapelle,
J. Edgar,	Moses Oliver,	Pier Perat,
Joseph McFerron,	James Morrison,	Leon Perat,
Robert Morrison,	Jean Guittarre,	Joseph Archanbot,
Js. Edgar,	Diego Rodrigues,	Fransoit Toutous,
Jesse Morrison,	Leon Crapper,	Louis Lachapelle,
Nathaniel Crapper,	G. Hutte,	Michel Toutous,
Thos. Crapper,	Wm. King,	Louis Morin,
Antoine P. Antire,	Miles Hotchkiss,	Louis Buatte,
Baptist Fortian,	Joseph Kicket,	Loui Francois,
Jeremy Downey,	Hipolite Menard,	John Baptiste Moutrie,
Jean Adrian Lanaurd,	Antoine Lachapelle,	John Baptiste Moutrie, Jun'r,
Michel Paitque,	Toussin Sinical,	Francois Ruseau,
Batite Lachapelle,	Louis Chenbeurlend,	Pierre Le Paneie,
Charlot Boutin,	Louis Chenbeurlend	Anthony Moutrie,
Batiste Chenbeurlend,	Jendron Perre,	Charles Jandron,
Enris Bienvenues,	Baptiste Jendron,	Josephe Jendron,
Josephe Page,	Dani,	Chatti Danij,
Michel Danij,	Antoinne Danij,	Josefe Hieviere,
John Kidd,	Antoine Provo,	Vitti Hieviere,
Josefe Toutous,	Batiste Toiniche,	Michel Hieviere,
Allexe Bóvvie,	Jerom Bovvie,	John Doyle,
Joseph Bovoiet,	Cola Buaijte,	Alexis Bovoiet,
Joseph Navanel,	John Spannart,	Antoine Bienvenue Pere,
Michel Danij,	Bte. Barbau,	Francois Camus,
Robt. McMahon,	Ch. Louvin,	Louis Periaux,
David Barber,	Bois,	Antoine Cotineaux,
La Soude,	Pierre Ahar,	René Coder,
Jacques Boutitinte,	Tourgoie,	Baptiste Coder,
Antoine Louviere fils,	Auguste Ahar,	Joseph Lavoit,
Etien Langlois,	Pierre Compte,	Lionay,
Baptiste Cotineau,	Nichola Olivier,	Jacques Degagniez,
Josephe Blay,	D'amour Louviere,	Pierre Degagnier,
Compte,	George Wittmer,	Ambrose Vasseur,
Duclos,	Decochy,	Francois Langlois,
Andre Barbau,	Domingue,	Pierre Lajoie,
Baptiste Lajoie,	Joseph Vasseur,	Charles Langlois,
Baptiste Perrin,	Toiton,	Joseph Coder,
Pierre Pana,	William Akerman,	Tusente Baverelle,
R. Calhoun,	James McNabb,	S. A. Boyles,
John Crafford,	John Wheeldon,	William Goinges,
H. Biggs,	John Hay,	Daniel Thorn,

Shadrach Bond,	George Atchison,	John Hayes,
Denis Valanten,	James Cremour,	William Arundel,
Geo. Blair,	B. Saucier,	Robert Hamilton,
Js. Dumoulin,	Perrey,	his
his	his	Louis X Le Compte,
Francois X Grondine,	Jean X Meunier,	mark.
mark.	mark.	Etn. Pinsono,
James H. Tate,	John Singleton,	Louis Petit,
William Scott, Sen'r,	Hendry Mall,	his
Joseph Heris,	Jacob Short,	Joseph X Poupard, Jun'r,
John Whiteside,	Abram Clark,	mark.
William Scott, Jun'r,	David Waddell,	his
his	John Caldwell,	Nicolas X Boismeneu,
Louis X LeBrun,	his	mark.
mark.	Antoin X Veaudry,	William Nichols,
his	mark.	Baguine,
Michette X Pitette,	N. Biron,	Jean Louis St. Germain,
mark.	Arren Gettie,	Michel Beaulieu,
Parat Siteng,	Pe Laperche,	Jean Beaulieu,
Pierre Cheautien,	Therese Chouteau,	Francois Chanalle,
Francois Charpage,	Henry Hatten,	Michel Lagrave,
T. Brady,	Jean Dehai,	Francois Demet,
Wm. Whiteside,	Pierre Guerion,	Louis Dubois,
Fr. Turgotte,	B. Dubuque,	N. Garrote,
Louis Pinsoneau,	Alexander Waddell,	James Waddell,
Louis Poisson,	Davies Waddell,	Samuel Kinkead,
John Ritchie, Jun'r,	Jesse Waddell,	Jan Hendick Van der Poel,
George Atcheson,	Jehu Scott,	Henry Cook,
John Marney,	John Dimpsey,	Ichabod Badgley,
Wm. Anderson,	Patt Honeberry,	Aaron McDaniels,
Samuel Stroud,	Wm. Porter,	Solomon Teter,
Adam Stroud,	George Roberts,	Solomon Shook,
Henry and John O'Hara,	William Robins,	Robert Lemen,
James Wilson,	Daniel Star,	Daniel Sink,
John Kinzie,	John Nowland,	John Robins,
Wm. Jonston,	George Ritcheson,	George Vallantine,
William Chalfin,	Isaac Vannatre,	Calvin Curry,
James Dunn,	Michel Ryan,	Thomas Todd,
Amos Chalfin,	Prince Bryant,	Daniel Mull,
James Henderson,		Clement Drury,
Abraham Kinney,		

W. Hull,	William McGloghton,	Raphel Drury,
William Drury,	Robert Smith,	Henry Jones,
George Fisher,	William Dunn,	Sam'l S. Spencer,
John Fisher,	William Kinney,	Roger Selden,
William Alexander,	Clement Drury,	Ralph Drury,
John Grooms,	Parker Grosvenor,	T. Morrison,
W. E. Morrison,	Allexy Doza,	Clodius Le Meaud,
Francis Le Meaud,	Louis Le Meaud,	Michael Smith,
Blaise Barutal,	Robert McMahon,	Abraham Levin,
T. Newburg,	W. Willson,	David Palmier,
Joseph Trotier,	William Kelly,	James Anderson,
St. Aldieumet,	Abraham Kenney,	Joseph Kenney.
Amos Pettit.		

(Address on back.)

"To the Honorable, the Senate
and House of Representatives of the
United States of America."

(Indorsement.)

"The Petition of Inhabitants of
Indiana Territory."

January 23, 1801.

L. 6 Cong.,
2nd Sess.

NOTE.—No report was made on this petition. It was laid on the table when presented, and no further action was taken. Annals 6th Congress, p. 735.

PETITION OF THE VINCENNES CONVENTION.

(Copy of original paper. House Files.)

To the Senate and House of Representatives of the United States in Congress assembled, the memorial and Petition of the Inhabitants of the Indiana Territory respectfully Sheweth:

That nine-tenths of your memorialists being of opinion, that the sixth article of Compact contained in the ordinance for the Government of the Territory has been extremely prejudicial to their Interest and welfare, requested

the Governor by petitions from each of the several counties to call a general convention of the Territory for the purpose of taking the sense of the whole People by their Representatives on a subject to them so interesting and of afterwards taking such measures as to them might seem meet by petition to your honorable Bodies not only for obtaining the repeal or suspension of the said article of Compact but also for that of representing and Petitioning for the passage of such other Laws as would in the opinion of the Convention be conducive to the general welfare, population and happiness of this distant and unrepresented portion of the United States.

This convention is now sitting at Vincennes and have agreed to make the following representations to the Congress of the United States, not in the least doubting but that everything they can desire (not prejudicial to the Constitution or to the Interest of the General Government) will readily be granted them.

The Sixth article of Compact between the United States and the people of the Territory which declares that there shall be neither slavery nor involuntary servitude in it has prevented the Country from populating and been the reason of driving many valuable Citizens possessing Slaves to the Spanish side of the Mississippi, most of whom but for the prohibition contained in the ordinance would have settled in this Territory, and the consequences of keeping that prohibition in force will be that of obliging the numerous Class of Citizens disposed to emigrate, to seek an Asylum in that country where they can be permitted to enjoy their property.

Your memorialists however and the people they represent do not wish for a repeal of the article entirely, but that it may be suspended for the Term of Ten Years and then to be again in force, but that the slaves brought into the Territory during the Continuance of this Suspension

and their progeny, may be considered and continued in the same state of Servitude, as if they had remained in those parts of the United States where Slavery is permitted and from whence they may have been removed.

Your memorialists beg leave further to represent, That the quantity of lands in the Territory open for Settlement is by no means sufficiently large to admit of a population adequate to the purposes of Civil Government. They therefore pray that the Indian titles to the land lying between the settled part of the Illinois country and the Ohio, between the general Indian boundary line running from the mouth of the river Kentucky and the tract commonly called Clark's Grant and between and below the said Clark's Grant and the Ohio and Wabash Rivers, may be extinguished; and as an encouragement for a speedy population of the Country that those lands and all other public lands in the Territory may be sold in Smaller Tracts and at a lower price than is now allowed by the existing Laws—A purchase of most of the Country above mentioned but more especially of that part lying between the Illinois and the Ohio it is conceived may be easily obtained from the Indians and on very moderate and advantageous Terms.

Several persons (as your memorialists are informed) having settled on the public lands in this Territory with the intention of purchasing the same when offered
A. for sale by the United States are fearful that advantages may be taken of their Improvements to enhance the Price—Your Petitioners therefore pray, That a law may be passed for their relief, giving the right of Pre-emption to all those who may have so settled on the public lands, and also as one of the more sure means of populating the Country as of enhancing the value of the United States lands remaining undisposed of in the Territory. They further pray, that provision may be made

in the said Law for securing a certain part of every Section of Such public land to those who will actually settle and cultivate the same.

The United States having pledged themselves in the Ordinance that Schools and the means of Education should be forever encouraged, and having in all the Sales of land heretofore made, reserved considerable portions thereof for that purpose.

Your memorialists, therefore, humbly pray that a law may be passed making a grant of lands for the support of Schools and Seminaries of learning to the several Settlements in the Illinois, the Settlement of Vincennes, and that of Clark's Grant, near the Rapids of the Ohio.

The means of communication as well between the several Settled parts of the Territory as between the Territory and the State of Kentucky, being extremely difficult and inconvenient, as well for want of good Roads as for want of houses of Entertainment, and as neither of those objects can be obtained otherwise than by application to the United States who own or may own the lands through which the said Roads must pass.

Your memorialists, therefore, further pray that a law may be enacted granting to such persons as the Governor of the Territory may recommend, Four hundred acres of land to each in such places as the said Governor may designate, not exceeding the distance of Twenty miles from each other, on the road leading from Clark county to Knox county, and from Vincennes in the said County to the Bank of the Ohio opposite to the town of Henderson, in Kentucky; also from Vincennes to Kaskaskia, in Randolph county, and from thence to Lusk's Ferry on the Ohio, who will open good waggon roads and Establish houses of Entertainment thereon for Five Years, under such restrictions as to your Wisdom may Seem Necessary.

And your Memorialists further beg leave to represent that one of the most indispensable articles of life (Salt) is very Scarse and difficult to be obtained, That for the want of a sufficient number of Salt Springs in their Country, that difficulty must increase with the population, and if effectual methods are not taken to secure the Timber in the neighbourhood of the Salt Springs from being willfully or carelessly wasted and destroyed, they will in a very few years indeed be utterly destitute of that very valuable article ; that there is but one Salt Spring known in the Country of any value, and that is situate below the mouth of the Wabash River, Commonly called the Saline, and is very advantageously placed for the accommodation of most of the Inhabitants of the Territory, and has, moreover, been lately ceded by the Indians to the general Government.

Your memorialists, therefore, humbly pray the Congress of the United States to extend their Bounty to this Territory as they have lately done to that Northwest of the Ohio, and vest the said Salt Spring in the Legislature of the Territory, as soon as it is formed in trust, for the use of the Territory, and untill the Legislature be formed, that the management of said spring be committed to the Governor of the Territory, or to such other person as the President of the United States may think proper to appoint.

By a Resolve of Congress of the 29th August, 1788, confirmed by an Act of the United States of the 3d

March, 1791, a donation of Four hundred acres of land C. is given to each of those persons who were heads of

Families in the Illinois Country on or before the year 1783, which the Governor of the Territory was directed to cause to be laid off to the several claimants in a form of a Parallelogram adjoining the several Villages therein mentioned.

The whole of the lands adjoining those Villages were

before the passage of the above Resolve the private property of Individuals who claimed the same by Virtue of old grants made to them and their ancestors during the time of the French government so that the Governor could not cause the said donation to be laid off in the form and manner designated by the said Resolve.

This has been very detrimental to the several Grantees, and in a great measure prevented the further population of the Country, your memorialists however beg leave to observe, that if the said donation lands are directed to be laid off in distinct Bodies for each Village, by far the greatest part of them must from the very large and extensive Prairies with which the whole of that country abounds be wholly and absolutely useless through the entire want of Timber.

Your memorialists therefore pray you to take the situation of the antient Inhabitants of the Illinois Country into Consideration and as the humane Intention of Congress was to give such lands as would be useful, that you will permit the said Grantees, their Heirs and assigns especially after a period of Fourteen years, to locate their said donation of Four hundred acres of land in separate Tracts, in such parts of the Illinois Country to which the Indian titles may have been extinguished, and that the Governor of the Territory may be authorized to issue Patents therefor. This permission to locate the lands in separate Tracts, will not it is conceived be prejudicial to the United States, as the value of the lands in the neighbourhood of each Settled Tract will thereby be considerable augmented.

Your memorialists further shew that they view that part of the ordinance for the Government of the Territory which requires a freehold qualification in fifty acres of land as Electors for members to the general assembly as

subversive of the liberties of the Citizens and tending to throw too great a weight in the Scale of wealth—They therefore pray that the right of Suffrage (in voting for representatives to the General assembly) may be extended to the free male Inhabitants of the Territory of the age of Twenty one years and upwards, but under such Regulations and Restrictions as to you in your Wisdom may seem proper.

Since the Erection of the Territory into a separate Government, the Attorney General thereof has prosecuted not only for offenses committed against the Municipal Laws of the Territory but also against the Laws of the United States, and has been obliged at three different Times to travel one hundred and sixty miles, from his home to the seat of the Territorial Government to prosecute offenders against those Laws, and yet he has received no Compensation for his Services either from the United States or the Territory, nor is it probable that the Territory can afford to allow him any Salary for his future services.

Your memorialists, therefore, pray that a Law may be passed allowing a Salary to the Attorney-General of the Territory adequate to the important services which are rendered by that officer to the United States as well as to the Territory.

Your memorialists are well aware that the consideration of the numerous objects contemplated by this memorial will require more time than can well be spared from the important and general concerns of the Union, but when they reflect upon their neglected and orphan-like Situation they are emboldened to hope that their wants and wishes will meet with all the indulgence and attention necessary

to secure to them the relief which is so essential to their welfare and happiness.

Done at Vincennes in the Indiana Territory the twenty-eighth day of December in the Year of our Lord One Thousand Eight Hundred and Two, and of the Independence of the United States the Twenty-Seventh.

By order of the Convention.

WILLM HENRY HARRISON President
& Delegate from the County of Knox.

Teste

JOHN RICE JONES
Secy

NOTE.—This is the seal of Indiana, setting sun, buffalo and man cutting tree, but not the same as now—the buffalo's tail is down and the head is opposite the sun. [SEAL.] The word Indiana is on a scroll in the branches of the tree.

Indorsements.

No. 4.

Memorial and petition of the inhabitants of the Indiana Territory signed by order of a convention of the said inhabitants by William Henry Harrison, their President.

8th February, 1803.

Referred to Mr. Randolph
Mr. Griswold
Mr. Robt. Williams
Mr. Lewis R Morris
and
Mr. Hoge.

2nd March, 1803, report made and referred to a committee of the whole House to-morrow.

15th December, 1803, referred to Mr. Rodney, Mr. Boyle, and Mr. Rhea (of Tennessee.)

17th February, 1804.

Report made and referred to a committee of the whole House on Monday next.

18th December, 1805.

Referred to Mr. Garnett, W. Morrow of Ohio, Mr. Parke, Mr. Hamilton, Mr. Smith (of So. Carolina), Mr. Walton and Mr. Van Cortlandt.

13th February, 1806.

Select com'ee dischd. from so much as relates to donation and preemption right to lands and to the salt springs, and the same referred to the Committee on the public Lands.

14th Feb'y 1806.

Rep. made and refd. to Com'ee who: House on Tuesday next.

RESOLUTION OF VINCENNES CONVENTION.

(Accompanying the preceding. Copy of original paper. House files.)

We the People of Indiana Territory inhabiting the middle and western Divisions of the Country Northwest of the Ohio, do by our Representatives in general Convention assembled, hereby agree that the operation of the Sixth Article of Compact between the United States and the people of the Territory should be suspended for the space of ten years from the Day that a law may be passed by Congress giving their Consent to the Suspension of the said Article.

Provided however that should no law be passed by Congress for suspending the said article before the 4th day of March 1805, then the Consent of the people of this Territory hereby given shall be void and of no effect.

Done at Vincennes in the Indiana Territory the twenty-fifth day of December one thousand Eight hundred and two, and in the twenty-seventh year of the Independence of the United States.

By order of the Convention.

WILLM HENRY HARRISON President
& Delegate from the County of Knox.

Teste

JNO. RICE JONES,
Secretary.

[SEAL.] NOTE.—Seal of Indiana as in preceding.

Indorsement.

Accompanying a letter from William Henry Harrison, President of the Convention held at Vincennes in the Indiana Territory received the 8th of February, 1803

LETTER OF WILLIAM HENRY HARRISON.

(Accompanying the preceding. From Ex. Docs. 7th Cong., 2d Sess.)

IN CONVENTION,
VINCENNES, INDIANA TERRITORY,
28th December, 1802.

SIR—The people of the Indiana Territory, having by their representatives in general convention assembled, determined to suspend, for a term of years, the operation of the sixth article of Compact between the United States and the people of the Territory, I have the honor herewith to inclose you for the information of the house of Representatives, the instrument declaratory of their consent.

I have the honor to be,

With perfect respect,

Sir, your humble servant,

(By order of the convention)

WILLIAM HENRY HARRISON, President,
and Delegate from the County of Knox.

The Honorable

The Speaker of the House of Representatives of the
United States.

REPORT ON THE PRECEDING.

(Am. State Papers. Public Lands, Vol. I, p. 146.)

7th Congress.

INDIANA TERRITORY.

2d Session.

Communicated to the House of Representatives, March 2, 1803.

Mr. Randolph, from the committee to which was referred a letter from William Henry Harrison, president of the convention held at Vincennes, declaring the consent of the people of Indiana to the suspension of the sixth article of compact between the United States and the

people of that Territory ; also, a memorial and petition of the inhabitants of the said Territory ; made the following report :

That the rapid population of the State of Ohio sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region. That this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States ; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration.

On the various objects of the memorial, your committee beg leave to observe :

That, an appropriation having been made, empowering the Executive to extinguish Indian titles to lands within the limits of the United States, the particular direction of that power rests entirely with that department of the Government ; that, to permit the location of the claims under the resolve of Congress of the 29th of August, 1788, and the act of the 3d of March, 1791 (of whose number and extent the committee are entirely ignorant) in the mode pointed out in the memorial, would be an infringement upon that regular mode of survey and of location which has been so happily adhered to in relation to the public lands. At the same time the committee are of opinion that, after those lands shall have been surveyed, a certain number of townships should be designated, out of which the claims aforesaid ought to be satisfied. In a country

abounding in new and unsettled lands, it is presumed that every individual may become a proprietor of the soil ; and inasmuch as the people of Indiana will, at a period not far distant, be enabled to establish the right of suffrage on such principles as the majority may approve, the committee deem it inexpedient to alter a regulation whose effect is to retain in the hands of persons naturally attached to the welfare of the country the Government of a remote dependency, which, from its vicinage to the territories of foreign States, and from the sparseness of its population, might otherwise be exposed to foreign intrigue and influence.

Measures having been taken to put the salt spring below the mouth of the Wabash river in a situation to yield every possible benefit to the adjacent country, the committee are of opinion that it is, at this time, inexpedient to vest that property in the legislature of the Indiana Territory. From such a consideration as they have been enabled to bestow on the subject at this late period of the session, and under the pressure of accumulating business, they recommend the following resolutions, which are respectfully submitted to the judgment of the House :

1. *Resolved*, That it is inexpedient to suspend, for a limited time, the operation of the sixth article of compact between the original States and the people and States west of the River Ohio.

2. *Resolved*, That a provision, not exceeding one thirty-sixth part of the public lands within the Indiana Territory, ought to be made for the support of schools within the same.

3. *Resolved*, That the Secretary of the Treasury be, and he hereby is, required to cause an estimate to be made of the number and extent of their claims to lands under the resolve of Congress of the 29th of August, 1788, and the act of the 3d of March, 1791 ; and to lay the same before this House at the ensuing session of Congress.

4. *Resolved*, That in all sales of the public lands within the Territory of Indiana, the right of preëmption be given to actual settlers on the same.

5. *Resolved*, That it is inexpedient to grant lands to individuals for the purpose of establishing houses of entertainment, and of opening certain roads.

6. *Resolved*, That it is, at this time, inexpedient to vest in the Legislature of Indiana the salt spring below the mouth of the Wabash river.

7. *Resolved*, That it is inexpedient to alter the existing regulation of the right of suffrage within the said Territory.

8. *Resolved*, That compensation ought to be made to the Attorney General of the said Territory, for services performed by him in behalf of the United States.

NOTE.—It will be seen, from the indorsements on the petition of the Vincennes Convention, that it was referred year after year, in connection with kindred petitions, and was acted on long after the time fixed by the Convention as the limit of their consent to a change in the sixth article.

SECOND REPORT ON PETITION OF THE VINCENNES CONVENTION.

(Am. State Papers. Misc., Vol. I, p. 387.)

8th Congress.

1st Session.

SLAVERY, ELECTIVE FRANCHISE, AND PUBLIC LANDS IN INDIANA TERRITORY.

Communicated to the House of Representatives, February 17, 1804.

Mr. Rodney, from the committee to whom were referred a letter from William Henry Harrison, president of the general convention of the representatives of the people of the Indiana Territory, also a memorial and petition from the said convention, together with the report of a former committee on the same subject at the last session of Congress made the following report:

That taking into their consideration the facts stated in the said memorial and petition, they are induced to believe that a qualified suspension, for a limited time, of the sixth article of compact between the original States and the people and States west of the river Ohio, might be productive of benefit and advantage to the said Territory.

They do not conceive it would be proper to break in upon the system adopted for surveying and locating public lands, which experience has proved so well calculated to promote the general interest. If a preference be given to particular individuals in the present instance, an example will be set, by which future claimants will obtain the same privilege. The committee are, nevertheless, of opinion, that after those lands shall have been surveyed, a certain number of townships should be designated, out of which the claims stated in the memorial ought to be satisfied; and that, for the encouragement of actual settlers, the right of pre-emption should be secured to them.

They consider the existing regulations, contained in the ordinance for the government of the Territory of the United States, which requires a freehold of fifty acres as a qualification for an elector of the General Assembly, as limiting too much the elective franchise. They conceive the vital principle of a free Government is, that taxation and representation should go together after a residence of sufficient length to manifest the intention of becoming a permanent inhabitant, and to evince, by conduct orderly and upright, that a person is entitled to the rights of an elector. This probationary period should not extend beyond two years.

It must be the true policy of the United States, with the millions of acres of habitable country which she possesses, to cherish those principles which gave birth to her independence, and created her a nation, by affording an asylum to the oppressed of all countries.

One important object desired in the memorial, the extinguishment of the Indian title to certain lands, has been happily accomplished; whilst the salt spring below the mouth of the Wabash river has also been placed in a situation to be productive of every reasonable advantage.

After a careful review and an attentive consideration of the various subjects contemplated in the memorial and petition, the committee respectfully submit to the House the following resolutions, as embracing all the objects which require the attention of Congress at this period:

Resolved, That the sixth article of the ordinance of 1787, which prohibited slavery within the said Territory, be suspended, in a qualified manner, for ten years, so as to permit the introduction of slaves, born within the United States, from any of the individual States: *Provided*, That such individual State does not permit the importation of slaves from foreign countries: *And, provided further*, That the descendants of all such slaves shall, if males, be free at the age of twenty-five years, and, if females, at the age of twenty-one years.

2. *Resolved*, That every white free man, of the age of twenty-one years, who has resided within the Territory, two years, and within that time paid a territorial tax which shall have been assessed six months before the election, shall enjoy the right of an elector of members of the General Assembly.

3. *Resolved*, That in all cases of sales of land within the Indiana Territory, the right of pre-emption be given to actual settlers on the same.

4. *Resolved*, That the Secretary of the Treasury be, and he is hereby, required to cause an estimate to be made of the number and extent of the claims to lands under the resolution of Congress of the 29th of August, 1788, and the law of the 3d of March, 1796, and to lay the same before this House.

5. *Resolved*, That provisions, not exceeding one-thirty-sixth part of the public lands within the Indiana Territory, ought to be made for the support of schools within the same.

6. *Resolved*, That it is inexpedient to grant lands to individuals for the purpose of establishing houses of entertainment, and opening certain roads.

7. *Resolved*, That it is inexpedient, at this time, to vest in the Legislature of Louisiana* Territory the salt spring below the mouth of the Wabash river.

8. *Resolved*, That compensation ought to be made to the attorney general of the said Territory for services performed by him on behalf of the United States.

LEGISLATIVE PETITION OF DEC. 18, 1805.

(Copy of original paper. House files.)

To the Senate and House of Representatives of the United States in Congress assembled, the petition of the subscribers, members of the Legislative Council and House of Representatives of the Indiana Territory, and constituting a majority of the two Houses respectively, humbly sheweth

That inasmuch as there are several subjects of legislation, material to the present and future interests of the Indiana Territory which are under the control of Congress only, they think it prudent and Just in relation to their constituents and themselves to state them for the consideration of your honorable body.

In the first place we would submit the propriety of the introduction of slaves into this Territory. It is not from a sordid motive or one that springs merely from a view to the present circumstances and situation of this Country, that they urge the adoption of the measure but they con-

*Evidently a misprint of "Indiana."

sider the subject upon principles of Justice and policy—Justice in relation to slaves and policy as it regards the Southern states. The slaves that are possessed south of the Potomac render the future peace and tranquility of those states highly problematical. Their numbers are too great to effect either an immediate or a gradual simultaneous emancipation. They regret the African that was first landed in the Country and could wish that the invidious distinction between freemen and slaves was obliterated from the United States. But however repugnant it may be to their feelings, or to the principles of a republican form of Government, it was entailed upon them by those over whose conduct they had no control. The evil was planted in the Country when the domination of England overruled the honest exertions of their fellow-citizens, it is too deeply rooted to be easily eradicated, and it now rather becomes a question of policy, in what way the slaves are to be disposed of, that they may be least injurious to the Country and by which their hapless condition may be ameliorated. When they are herded together by hundreds they cannot be as comfortably provided for as if they were scattered in small numbers on farms. That a removal to the Western Territories would relieve them from many of the hardships and inconveniences to which they are now subjected they appeal to their situation in the northern parts of the states of Maryland and Virginia and the States of Kentucky and Tennessee. They do not conceive that the greatest influx of emigrants would increase the number of blacks to such a degree as to render them in the least dangerous to the future interests of the Territory and with submission they would suggest that dispersing them through the Western Territories is the only means by which a gradual emancipation can ever be effected.

The Western Territories are immense, their situation

inviting, emigration astonishingly great, the population west of the Ohio must chiefly be derived from the Southern and Western States where slaves are most numerous and if no restrictions were imposed but holders and possessors of blacks permitted to remove them wherever whim or caprice might dictate, they would venture to predict that in less than a century the colour would be so disseminated as to be scarcely discoverable.

In the next place we submit the propriety of a repeal of so much of the ordinance of seventeen hundred and eighty seven as relates to the exercise of the right of suffrage, and that every free male of free age and resident a certain time, or such as are liable to the payment of Taxes should have a voice in all elections. Your petitioners conceive that the distinction which now exists between those who are not possessed of freehold estate, to a certain extent, is invidious and unjust; and that taxation and representation ought to be inseparably connected. Those who contribute to the support of Government ought to have a voice in the administration thereof. Property is in no instance a test of merit or virtue and they do not believe that representative bodies will ever be purer or more solicitous for the welfare and prosperity of, and the impartial administration of justice in, the country under the present restrictions that if placed upon the basis above mentioned.

In the next place your petitioners would propose that the United States should cede to this Territory all the salt licks and springs in the same on condition that the Territory should exempt from taxation for the Term of seven years such lands as the United States may dispose of hereafter. This measure would be mutually beneficial to the United States and the Territory. It would encourage and increase a Settlement of Public lands, as nothing is more injurious to emigrants to a new country than taxation; from the cession the Territory would obtain an adequate

compensation for the proposed exemption, and with due submission they believe that these licks and springs might be managed by the Government of the Territory in a manner that would render them as beneficial to the citizens of the western Country as they were under the Government of the United States. The citizens of the Territory are the most immediately interested in the Just and upright administration of whatever relates to these important possessions and in doing Justice to themselves it is believed that they will extend their benefits as far as the necessities of the western country may require.

In the next place they would submit the situation of various descriptions of claimants to land in this Territory. Under certain resolutions and acts of Congress donations of land were made to certain inhabitants thereof. The donations of four hundred acres each, to the antient inhabitants of Vincennes and the greater part of the settlement and improvement rights as also the claims for military services have been satisfied. But the donations for the inhabitants of the Mississippi settlers have never been located, although seventeen years have elapsed since the resolution therefor was passed by Congress. It is true that provision was made for this purpose but it was calculated to destroy the end proposed, and it was also considered by the Governor of the Territory that he could not carry it into effect. To locate these rights as well as others that still exist in the country in a body as has been contemplated, would destroy the munificent object which Congress had in view in making the donations. The prairies comprise much the largest portion of the Country to the West of the Wabash, and if the locations were made together, a great part of them would fall within a Tract of Country possessed of neither wood nor water—Your petitioners would therefore beg leave to suggest as a measure of policy and Justice, the propriety of permitting claimants

to land under any resolution or act of Congress, whose claims have been sanctioned by the Governor of the Territory, or whose claims may hereafter be adjusted and settled by the board of Commissioners respectively to enter the same with the receiver of the land office of the District in which the claimants may reside, at such rate per acre as may be fixed and established for the sale of public lands and to receive a quantity of land at such rate equal to the amount of their claim, in such place as they may select, subject however to the provisions of the law respecting public sales of the lands of the United States.

In the next place your petitioners would wish to call the attention of your honorable body to a subject which they consider of the utmost importance. It is understood that application will be made to Congress at their next Session for a division of the Territory. No measure whatever will have a more serious and pernicious influence on the interests and future prosperity of the Territory than this, and from a candid and impartial examination of the subject they can discover no plausible reason in favor of it. As it may justly be presumed that those most familiarized with the situation and relative interests of the Territory have an opportunity of forming a correct estimate of the expediency or impropriety of this measure, they beg leave to submit a few remarks on the subject.

The seat of Government is established at Vincennes situate as near the center between the western and eastern extremes of the Territory as convenience and propriety will admit. It has been said, that the distance from the exterior parts of the Territory to Vincennes operates a serious inconvenience to the inhabitants thereof. Your petitioners believe that there is no reason neither just nor plausible in support of the Opinion. The administration of Justice, and of the Government generally, is arranged in such a manner, that a Journey to Vincennes is in very

few instances necessary. The General Court holds an annual session in each county for the trial of issues of fact belonging thereto and made up in the General Court. It is true that were there a greater number of Judges of the General Court, some delay in the trial of causes might be saved as there could be two instead of one annual Session in each County.

But the Territory has recently adopted the second grade of Government by which a considerable expence must necessarily be incurred. Taxes will be as heavy as the people can support for several years. Land is almost the only source of Territorial revenue. If the contemplated division takes place one section of the Territory will necessarily have to support the expence that is now collected from the whole. The subject is left to the consideration of Congress.

Your petitioners will now proceed to a subject of equal importance and the consideration of which is in some degree connected with the preceding. They wish that the United States may be relieved from the expences and inconveniences of the Territorial Government and for this purpose that the citizens of the Territory should be permitted to form a State Government as soon as their population would authorise the measure.

At present the ordianance contemplates a division of the Territory into two States. But many years must elapse before the two sections will arrive at a degree of population by which this desirable object can be effected. With submission they would therefore propose, to connect the two divisions in one State Government, until they severally obtain a population that will authorise a division into two States. They conceive that no disadvantage could result to the United States from this arrangement and they are confident that it would be productive of essential benefits to the country. The consideration of self Gov-

ernment alone is sufficient to render it desirable. The Indian Title, except a part of the Piankashaw claim, has been extinguished from the Miami to the Mississippi; and from the measures recently taken by the General Government for the Surveying and disposal of Public Lands, a short time will connect all the settlements from one extreme of the Territory to the other. It is less than three hundred miles from the Miami to the Mississippi; from the upper settlements, opposite the Missouri, it is less than two hundred miles to the Ohio; and from Vincennes on the Wabash to the Ohio it is about fifty miles.

This tract of country lies in a convenient form for a State. The character, customs and manners of the people are nearly the same; their respective interests are the same; as also the climate, soil and productions. And the country at any future period can be divided into two States if an accumulated population renders it expedient or necessary.

All of which is respectfully submitted.

August 19th, 1805.

B. CHAMBERS,

President of the Council,

JNO. RICE JONES, } Members of
PIERRE MENARD, } the L. C.,

JESSE B. THOMAS,

Speaker of the House of Representatives,

JOHN JOHNSON, }

G. FISHER, }

B. PARKE, }

Members of
the H. Rep.

* *Indorsements.*

No. 6.

* Petition of the Legislative Council and House of Representatives of the Indiana territory.

18th December, 1805,

referred to Mr. Garnett,
Mr. Morrow, of Ohio,
Mr. Parke,
Mr. Hamilton,
Mr. Smith, of So. Carolina,
Mr. Walton; and
Mr. Van Cortlandt.

13th February, 1806,

Select Com'ee, discharged from so much as relates to the salt licks and springs and the donation and pre-emption right to lands, and the same referred to the Committee on the Public Lands.

8th April, 1806,

Committee on Public Lands discharged, and referred to Committee of the whole House, on the bill respecting claims to lands in Indiana territory and State of Ohio.

M. GREGG.

MEMORIAL FROM RANDOLPH AND ST. CLAIR COUNTIES, 1805.

(Copy of Original Paper. House Files.)

To the honorable the senate and house of representatives of the United States in Congress Assembled: The memorial of the subscribers, inhabitants of the counties of Randolph and St. Clair, situated on the east bank of the Mississippi, in the Indiana Territory, respectfully sheweth,

That your memorialists have at various periods, since the division of the Territory northwest of the Ohio, addressed your honorable bodies, praying for the redress of certain heavy grievances, under which they then labored,

but that, from the policy adopted by your honorable bodies, in the general arrangements for the governments of these territories and of the late ceded province of Louisiana, with which the immediate local interests of your memorialists were conceived to be incompatible, they were unhappily disappointed. But as those general arrangements have now been compleated, and the policy of the general government, in the direction of the affairs of the western extremity of the union, are evidently to the minds of your memorialists, they confidently hope now to present to your consideration the adoption of a measure which, in their opinions, is not only calculated to remove effectually the causes of their still existing grievances, but is, at the same time, perfectly consonant to the general views of government, with respect to the political system to be adopted for the territories lying east and west of the Mississippi. Under this impression, and from a full conviction, that your honorable bodies will bestow due consideration on the circumstances of your memorialists, they respectfully solicit your attention, while they suggest the expediency of a division of the Indiana Territory, and the erection, into a separate territorial government, of that extent of country allotted, in the fifth article of compact between the original states, and the people and states in the territory of the United States north west of the river Ohio, and contained in the ordinance for the government of the said territory, in 1787, to form the western state; and to consent, in common with the people of the said extent of country so allotted to form the western state, that the sixth article of compact, contained in the said ordinance, may be so modified as to admit of slavery within the limits of the said extent of country, either unconditional, or under such restrictions or limitations, as your honorable bodies may, in your wisdom, deem proper to impose; soliciting also, at the same time, your attention, while they offer, with due deference, some

general remarks, on the merits and force of this their claim, for the attainment of these much wished for and important objects, on which their future prosperity must greatly depend.

A ruinous inconvenience attending the present situation of your memorialists, and which is not the least in their list, arises from the great distance between the said counties of the Territory and Vincennes, the seat of government, which is about one hundred and eighty miles, through a dreary and inhospitable wilderness, uninhabited, and which during one part of the year, can scarcely afford water sufficient to sustain nature, and that of the most indifferent quality, besides presenting other hardships equally severe, while in another it is in part under water, and in places to the extent of some miles, by which the road is rendered almost impassable, and the traveller is not only subjected to the greatest difficulties, but his life placed in the most imminent danger. The great inconveniences, independent of the dangers to which our citizens, who are under the necessity of attending the courts, or the legislature, or whose attendance upon any other occasion may be required by the public authorities, are subjected, and the consequences, from the frequent removals from the county courts to the general court of suits for the most inconsiderable sums, to which the poor man is exposed to save his little all, are too obvious here to require a detail.

This source of evil naturally leads us to the notice of another of considerable extent, which claims the most serious attention, and which must, inevitably, prove a fatal check to the growth of the country allotted for the western state, unless timely and effective measures be taken to check it. From the obstacles already but very partially described, and from the peculiar nature of the face of the country lying between these settlements and the Wabash, a communication between them and the settlements east of that river,

cannot, in the common course of things, for centuries yet to come, be supported with the least benefit, or be of the least moment to either of them. This tract of country consists chiefly of extensive prairies, which scarcely afford wood or water, which utterly precludes the possibility of settlement to any extent worthy of notice. From the existence of this serious fact, a bar to the interchange of mutual good offices, and of private interests and concerns, is raised upon a foundation too firm to be shaken or surmounted. If, therefore, so great a disconnexion with respect to the interchange of *private interests*, exists between the citizens of the eastern and those of the western extremities of the territory, what prospects can be afforded of an union between them, and of the consequent harmony and interchange of mutual support in the support of their *political interests*? None. In the place of that union will arise discord, virulence, and animosity, and the scenes of confusion always attendant upon the contentions of remote districts, possessing different political interests, and the natural consequence resulting therefrom, the destruction of the general peace and prosperity of the whole community, without any solid benefit to either of the contending parties. Already have the seeds of discord been sown; already have they presented a prospect of rapid growth; but your memorialists offer up their earnest and sincere prayers to Heaven, to avert, through the agency of the guardians and the protectors of their liberties and property, the sad and much dreaded effects of the threatened commotions.

Another great subject of complaint proceeds from our having been unwarrantably precipitated into the second grade of territorial government, to the proportional expenses of which neither your memorialists, nor the remaining part of the territory, are adequate in their present circumstances. Upon an application made to the execu-

tive for that purpose, an application which your memorialists have reason to believe was confined to some of the inhabitants of the county of Knox, and in which they themselves had no manner of agency, he issued his proclamation and writs of election, with a view of ascertaining the voices of the freeholders in the several counties, upon this important question. From this mode of procedure, the sentiments of such only of the freeholders as actually attended the election and gave in their suffrages could be ascertained. The elections in the counties of Randolph and St. Clair were but very partially attended; a majority, however, of those freeholders who did attend, gave their suffrages against the measure; in the county of Knox very generally, and the votes almost unanimously given in the affirmative; in the counties of Clark and Dearborn but partially, and the majority of votes in the negative; from the county of Wayne, which contained a principal portion of the population of the territory, no votes were received, the writs of election having arrived subsequently to the day of election. From this mode of procedure, incompetent to the object contemplated, from this slight and partial expression of the public sentiments upon this important subject, the *executive* was *satisfied* that there was a *majority of the freeholders in the territory* in favor of entering into the second grade of government, and took the necessary steps for the organization thereof accordingly. Since the county of Wayne has been struck off, the expenses attendant upon this grade, must be the more sensibly felt, from so considerable a diminution of the population, and as your memorialists have not the least prospect of deriving any advantages equivalent to this burthen thus forced upon them, as the proportion of the representation is in favor of the eastern counties, they feel themselves impelled by necessity to apply for a redress of this griev-

ance, in preference to a silent acquiescence in the measure.

Your memorialists can not suffer to pass unnoticed, the practice of issuing attachments for contempt of court, against witnesses for non-attendance, and public officers, upon pretexts, in the opinion of your memorialists, resting upon the slightest grounds, a vexatious practice, which has a great tendency to sour the minds of the citizens of this remote part of the territory, from the hardships, as already described, to which they must be exposed from these proceedings.

Your memorialists beg permission here to suggest, that by adopting the policy submitted in this memorial, to your consideration, the views of the general government would be greatly promoted, and the rage for emigration to upper Louisiana would not only in a great measure cease, but have a tendency to enhance the value of the public lands on the east side of the Mississippi, render their sale rapid, and by an increase of its population, place in a flourishing situation the country which now claims the patronage and support of its government.

Your memorialists, therefore, resting satisfied in their firm expectations, that your honorable body will take into serious consideration their distressed situation, and at length grant them the desired relief, very respectfully submit their prayer, as stated in the preceding part of this their memorial. And as in duty bound they will ever pray, etc.

J. Edgar,
J. Page,
John Hague,
Parker Grovenor,
John Gray,
P. Choslier,
Louis Charbail,
Able Denny,

Wm. Morrison,
R. Robinson,
Miles Hotchkiss,
John Lock,
Alexis Goderis,
Wm. Dunn,
Ephraim Carpenter,
Peter Porac,

Robert Morrison,
Wm. Wilson,
John Grovenor,
Wm. Arundel,
Charles Bergan,
Hugh Carrigin,
Reuben White,
John Joseph,

Wm. Speakman,	Richard Arcless,	Daniel Bave,
Oliver Reed,	Martin Brewer,	N. Brewer,
Aaron Bowen,	Wm. Haley,	P. Barbary,
Leroy Elliott,	George Baker,	G. Belcher,
Thos. Wadley,	John Reynolds,	Cole Beale,
J. M'Murtry,	Thomas Cox,	George Franklin,
Peter Page,	Wm. H. Bell,	John Talbot,
Joseph Lestogos,	Julien Mercier,	Louis Gendron,
T. Chartran,	Wharham Strong,	Louis Pinsonneau,
John Dumoulier,	Jean Dehag,	B. Mercier,
John Doyle,	James Edgar,	J. Morrison,
Adam Wargrit,	Michael Danes,	Wm. Lucas,
James McGowan,	Perrey,	T. H. Talbot,
Julien Le Compt,	Lonval,	J. Magate,
Francois Arnousse,	Jean N. Godin,	J. B. Gendron,
Louise Gervais,	Nicholas Boismenn,	Charles O'Neill,
John Lyle,	Abraham Parker,	E. Pinsoneau,
M. Lagrove,	T. Cremour,	Thos. Brady,
Dennis Bergin,	Thomas Primm,	Pierre Godin,
Gabriel Marteau,	J. C. Bequete,	Pierre Martin, senr.,
Pierre Martin, junr.,	Clement Allery,	Hubert Mercier,
Charles Germaine,	Louis Debois,	John Junie,
Israel Baley,	Pierre Guerin,	George Cunningham
John Halderman,	D. Ensminger,	J. D. Maroit,
La Cuxier,	Antoine Vaudray,	Pascal Letoms,
John Latuxiere,	Michael Gamelin,	John Dupre,
A. Languirand,	Wm. Cairns,	John Hays,
Nicholas Turgeon,	Francois Le Faivre,	J. Parrot,
John Hay,	D. Blondeau,	Samuel Best,
Joan Mennier,	Joseph Touchette,	Pierre Laperche,
Jean Palmier,	J. Lepage,	J. C. Allary,
L. Dulonchant,	J. Chartran,	O. Gerandin,
P. Lafiac,	M. Holland,	Elihu Mather,
Joseph Jame,	P. Touke,	Daniel Page,
Thomas James,	Jacob Weyand, Jun'r,	A. P. Williams,
A. Whyskey,	Pierre Cowpagarte,	Louis Chalet,
Louis Pitette,	Michael Pitette,	Louis Pettetier,
J. Campeau,	J. Bt. Saucier,	Basil Beaulieu,
Jos. Greignier,	Louis Le Brun,	J. B. Bequette,
L. Ladouceur,	Louis Le Compte,	Clement Trotier,
Louis Trotier,	Joseph Trotier,	Pois Trotier,
Edward Hebert,	Joseph Poupart, Sen.,	Joseph Poupart, Jun'r,
Joseph Chenier,	Joseph Batteau,	P. Descrete,
Julien Nicole,	J. Le Renan,	Louis Ronillard,

Joseph Manege,	P. Coline,	Pois Grondine,
Joseph Gonville,	Auguste Trotier,	Francis Paget,
Reuben Laney,	Samuel Lecey,	William Reed,
James Downing,	George Blair,	Daniel Odell,
Uel Whiteside,	Joseph Cornelius,	James Caldwell,
Jos. Reed,	Wm. M'Roberts,	John Kidd,
Charles M'Nall,	Jess Morrison,	J. B. Montray,
Samuel Jacanay,	S. Hubert Lethrune, Jun'r,	Pierre Liqe,
Benjamin Hoyerman,	Moses Short,	Noah Davis,
Bailey Boyles,	Antoine Girarding,	George Stanto, Jun'r.
Jesse Wadly,	William Atcheson,	W. Roberts,
David Fultor,	Moses B. Reed,	John Liley,
John Whiteside	James Lightell,	Jonathan Pettit,
Charles Pettit,	Joseph Anderson,	Wm. Bell,
Solomon Allen,	John Belderback,	Antoine Peltier,
Jesse Griggs,	J. B. Montray, Jun'r,	Joshua Lacey,
Wm. R. Cox,	Francis Guthery,	Robert Higins,
C. Davis, Jun'r,	H. Iduls,	D. C. Robinson,
John Laney,	Louis Petit Calumiene,	James Patterson,
Moses Oliver,	John Fulton,	Thomas Fulton,
David Fulton,	T. Ambereau,	P. Harnkon,
William Phillips,	John Mordock,	John Forgison,
Michel Peltier,	Joseph Barrutel,	William Crawford,
Jesse Boyles,	Bailey Boyles,	W. Kelty,
S. Thorn,	D. Thorn,	Thomas Newbury,
Franklin Jarvis,	John Hill,	Andrew Bankson,
Jonathan Hill.	James Meanern,	Joseph Cook,
Joseph Chance,	William Goin,	Peter Michel,
G. McMutrey,	W. Biggs,	George Biggs,
Hugh Walker,	James Scott,	William Scott,
Moses Short,	Joseph Scott,	John Scott,
Alexander Scott,	Noah Daves,	James Hooper
James Bankson,	Charles Bankson,	John Walker,
Charles Weakefield,	Barneth Bone,	James Jordan,
Paul Gaskell,	John Crocker,	Thomas Crocker,
John Carruthers,	Anthony Thomas,	Valentine Brasel,
Robert Brasil,	James Mansfiel,	James Bradbury,
Thomas Morrow,	Wm. Scott.	Samuel Scott,
Robert Whiteside,	Edward Ratliff,	Isaac Grifen,
Wm. Johorson,	Samuel Shook,	John Walker,
John Goin,	John Feeter,	Abraham Eymam,
William Miller,	Daniel Stookey,	Thomas Harrison,
James Gilbreath,	Daniel Shook,	Laurence Shook,
Henry Miller,	Henry Cox,	William Downing,

Ob. Hooper,	Barnabas Bone,	Aaron West,
Silas Bankson,	William Prewet,	Solomon Prewet,
Joseph Prewet,	Fields Prewet,	Wm. Bolin Whiteside.
Philemon Higgins,	Enoch Decker,	Samuel Gildram,
John Higgins,	Henry Clark,	Aquilla Dalahide.
John Forgerson,	Richard Rattan,	Abraham Pruit,
William Ferguson,	Isaac Ferguson,	James Stockton,
Jesse Cain,	Moses Tinnant,	James Cornelius,
Wm. Porter,	Benj'n Custland,	James Kirkpatrick,
Henry Cook,	John Gillham,	James Gillham,
Joel Whiteside,	George Green,	Asher Bagly,
Jesse Wadale,	Amos Squires,	Wm. Whiteside,
Davis Whiteside,	William Adam,	Shadrach Bond, Sen.,
George Atcheson,	David Waddell,	Alexander Waddell,
John Payne,	Michel Atchison,	Michael Acheson,
Henry O'Hara,	John O'Hara,	Jess Kenor,
Giles Hull,	Daniel Hull,	Wm. Alexander,
Henry Jones,	Samuel Morrison,	Henry O'Hara,
William Alexander,	Jesse Ranon,	Osm. Torton,
Francis Relhen,	Abel Lewis,	Samuel Lacey,
George Renne Ramp,	Vance Lusk,	Daniel Hazeel,
William Patton,	Edward Lacey,	Natt Scruggs.

In all, about 350.

I DO CERTIFY, That the above persons subscribed their names, and requested me to have them annexed to the petition, praying a division of the Indiana Territory, and the admission of slaves into said territory.

By me, one of the United States justices, and judge of common pleas, in said county. ROBERT REYNOLDS.

Endorsements.

Petition of sundry inhabitants of Randolph and St. Clair in the Indiana Territory.

18th December, 1805,

referred to Mr. Garnett,

- " Morrow, of Ohio,
- " Parke,
- " Hamilton,
- " Smith, of S. C.,
- " Walton, and
- " Van Cortlandt.

14th February, 1806,

Report made, and referred to Com'ee
whole House on Tuesday next.

(This petition is also published in State Papers, 1805-1806. A. & G.
Way, Printers, 1809.)

PETITION OF DEARBORN COUNTY, DEC. 18, 1805.

(Copy of Original Paper. House Files.)

*To the honourable the Representatives of the United States in Congress
Assembled.*

The Humble Petition of the purchasers of lands who are settled and intend a settlement on that part of Indiana Territory west of the State of Ohio and East of Boundary Line Runing from the Mouth of Kentucky River.

May it Please your Honours.

Your Petitioners humbly Represent that they are at a Distance of Nearly Two Hundred Miles from the Seat of Government, that the Intermediate Space is a Wilderness occupy'd only by Indians and likely for many years to Remain Unoccupied by any Other persons—that the soil between the State and Boundary line, Viz. the Northern part of it is generally good land and will Admit of a Numerous Population and that [between] the Boundary line and the Wabash River in General Very Broken and therefore Very unlikely to afford a communication to the seat of Government, that there is an Imediate Communication Between this part of the territory and the State of Ohio, and the Distance from the Seat of Government thereof only about one hundred and twenty Miles—that your Petitioners humbly Suggest their Earnest desire that they Might at least for the Present Enjoy the Benefit of the Government of that State by being aded thereunto—and your Petitioners as in duty bound will Ever Pray.

Robert Templeton, Sen.,	Robert Templeton,	Peter Fleming,
John Templeton,	Samuel Logan,	William Eads,
Solomon Tiner,	Jacob Hackleman,	James Logan,
James Cole,	William Flood,	John Russell,
Abner Conner,	James Russell,	John Millholland,
John Ewing,	Benj. McCarty,	William Major,
Jacob Hackleman, Sen'r,	Richard Conner,	Charles Scot,
Powel Scot,	Andrew Endsley, Sen'r,	Wm. Cunningham
Jno. Endsley,	Thomas Endsley,	Hugh Endsley,
Abraham Endsley,	Wm. Logan,	Jacob Lee,
John Hanna,	John McCutcheon,	James Henderson,
William Botkin,	Joseph Wason,	Robert Russell,
Enoch Russell,	John Thomson,	Jonathan Gillam,
James McCoy,	William McCoy,	William Smith,
William Smith, Jun'r	Zachariah Cahsey,	Solomon Mainwaring,
George Loveston,	William Logan,	William Vanmetre,
David Stoops,	Enoch McCarty, Sen'r,	Thomas Williams,
William Raney,	William Ahnsworth,	Jeremiah Johnson,
Andrew Endsley,	John Ewing,	Wm. Cunningham, Jr.,
Thomas A. Johnson,	William Johnston,	George Holman,
Joseph Cox,	Patrick Ohara,	Samuel Hanna,
Richard Rue,	James Eads,	James Baley, Sen'r,
James Baley, Jun.,	Richard Manwaring, Sen'r,	Richard Manwaring, Jun'r,
Enoch McCarty, Jun'r,	William Arnet,	Wm. Templeton,
David Ewing,	Joseph Hannah,	James Adeler, Sen'r,
James Adeler,	John Adeler,	Isaac Adeler,
David G. Hanna,	John Naileman,	Moses Martyr,
Robt. Hanna, Jun.,	Robert A. Templeton,	Thomas McCoy,
William Blunt,	Daniel Cunningham,	William Wilson,
Patrick McCarty,	John Calwell,	William McCarty,
Asa Ralph,	Hazen Ralph,	Charles Tilyea,
William Tiner,	Mical Hademan,	John Brown,
George Deford,	William Crane,	Thimothy Collins,
Robert Hanna,	Jno. Gilliam,	John Norres,
Robt. Speers,		

Indorsements.

Petition of purchasers of land, settled and intending to settle, on that part of the Indiana Territory, west of Ohio, and east of the Boundary line running from the mouth of Kentucky river.

18th December, 1805,

referred to Mr. Garnett,

Mr. Morrow, of Ohio,

Mr. Parke,

Mr. Hamilton,

Mr. Smith (of So. Carolina),

Mr. Walton, and

Mr. Van Cortlandt.

14th February, 1806,

Report made, and referred to Com'ee
who: House on Tuesday next.

MR. GREGG.

REPORT ON THE PETITIONS OF 1805.

(Am. State Papers. Misc., Vol. I, p. 450.)

9th Congress)

(1st session

EXTENSION OF THE RIGHT OF SUFFRAGE, AND THE ADMIS-
SION OF SLAVERY, FOR A LIMITED TIME, IN THE IN-
DIANA TERRITORY, AND THE DIVISION THEREOF.

Communicated to the House of Representatives, February 14, 1806.

Mr. Garnett, from the committee to whom were referred the report of a select committee, made on the 17th of February, 1804, on a letter of William Henry Harrison, president of a convention held at Vincennes, in the Indiana Territory, declaring the consent of the people of the said Territory, to a suspension of the sixth article of compact between the United States, and the said people; also, on a memorial and petition of the inhabitants of the said Territory; also on the petition of the Legislative Council and House of Representatives of the said Territory; together with the petition of certain purchasers of land, settled and intending to settle on that part of the Indiana Territory west of the Ohio, and east of the boundary line running from the mouth of the Kentucky river; and on two me-

memorials from the inhabitants of Randolph and St. Clair—made the following report:

That having attentively considered the facts stated in the said petition and memorials, they are of opinion that a qualified suspension, for a limited time, of the sixth article of compact between the original States and the people and States west of the river Ohio, would be beneficial to the people of the Indiana Territory. The suspension of this article is an object almost universally desired in that Territory. It appears to your committee to be a question entirely different from that between slavery and freedom, inasmuch as it would merely occasion the removal of persons, already slaves, from one part of the country to another. The good effects of this suspension, in the present instance, would be to accelerate the population of that Territory, hitherto retarded by the operation of that article of compact, as slaveholders emigrating into the Western country might then indulge any preference which they might feel for a settlement in the Indiana Territory, instead of seeking, as they are now compelled to do, settlements in other states or countries permitting the introduction of slaves. The condition of the slaves themselves would be much ameliorated by it, it is evident, from experience, that the more they are separated and diffused, the more care and attention are bestowed on them by their masters, each proprietor having it in his power to increase their comforts and conveniences in proportion to the smallness of their numbers. The dangers, too, (if any are to be apprehended,) from too large a black population existing in any one section of country, would certainly be very much diminished, if not entirely removed. But whether dangers are to be feared from this source or not, it is certainly an obvious dictate of sound policy to guard against them as far as possible. If this danger does exist, or there is any cause to apprehend it, and our Western brethren

are not only willing but desirous to aid us in taking precautions against it, would it not be wise to accept their assistance? We should benefit ourselves, without injuring them, as their population must always so far exceed any black population which can ever exist in that country as to render the idea of danger from that source chimerical.

You committee consider the regulation, contained in the ordinance for the government of the territory of the United States, which requires a freehold of fifty acres of land as a qualification for an elector of the General Assembly, as limiting too much the elective franchise. Some restriction, however, being necessary, your committee conceive that a residence continued long enough to evince a determination to become a permanent inhabitant, should entitle a person to the rights of suffrage. This probationary period need not extend beyond twelve months.

The petition of certain settlers in the Indiana Territory, praying to be annexed to the State of Ohio, ought not, in the opinion of your committee to be granted.

It appears to your committee that the division of the Indiana Territory, in the manner directed by the ordinance of 1787, and for which the people of Randolph and St. Clair have petitioned your honorable body, would be inexpedient at this time. The people of the two sections have lately entered into the second grade of government, the whole expense of which would fall on the people of one section, if a division were now to be made. This, in the opinion of your committee would be neither politic nor just. But although a division of the Territory appears improper at this time, we think it should be made as soon as the population of either section has increased so far as to entitle them to form a State Government. The petition which prays that such a Government may be formed, by uniting the two sections as soon as their inhabitants shall have

augmented so far as to authorize it, your committee conceive ought not to be granted. A Territory, when once erected into a State, cannot be divided or dismembered without its own consent; the formation, therefore, of two States out of this Territory, originally intended by the ordinance of 1787, could not constitutionally be effected, if the two sections were once permitted to form one State, without the consent of that State, however necessary the extent and population of that Territory might render such division.

After attentively considering the various objects desired in the memorials and petitions the committee respectfully submit to the House the following resolutions:

1. *Resolved*, That the sixth article of the ordinance of 1787, which prohibits slavery within the Indiana Territory be suspended for ten years, so as to permit the introduction of slaves, born within the United States, from any of the individual States.

2. *Resolved*, That every white freeman of the age of twenty-one years, who has resided within the Territory twelve months, and within the county in which he claims a vote, six months immediately preceding the election, shall enjoy the rights of an elector of the General Assembly.

3. *Resolved*, That the petition of certain settlers in the Indiana Territory, praying to be annexed to the State of Ohio ought not to be granted.

4. *Resolved*, That it is inexpedient at this time, to grant that part of the petition of the people of Randolph and St. Clair which prays for a division of the Indiana Territory.

5. *Resolved*, That so much of the petition of the Legislative Council and House of Representatives of the Indiana Territory as prays that the two sections may be united into one State Government ought not to be granted.

MEMORIAL OF RANDOLPH AND ST. CLAIR
COUNTIES JAN. 17-1806.

(Copy of Original Paper. House Files.)

To the Honourable, The Senate and House of Representatives of the United States, the memorial of the undersigned persons, being a Committee appointed by the inhabitants of the Illinois, for the purpose of laying their grievances before the National Legislature respectfully sheweth:

That this country is composed of that part of the domain of the United States, on the North West of the River Ohio, which by the ordinance or compact of 1787 has been designated to form the western state; bounded by the Mississippi, the Ohio, the Wabash, a north line drawn from Vincennes to the divisional line between the United States and Canada; and by this line to the Lake of the Woods, and the Mississippi.

That for the purposes of a temporary Government it now forms a member of the Indiana Territory, and is divided into the Counties Randolph and St. Clair.

That the form, and extent of this Government, have from certain circumstances, become not only undesirable, but productive of the most pernicious effects. And your memorialists most humbly solicit your attention while they detail these circumstances; while they suggest the propriety of a division of this Government, and the erection of that part of it above described into a separate Colony.

Your Memorialists approach your Honourable body with the more confidence on this subject, since they flatter themselves that the Nation has become sensible of the situation in which they have been—their long struggles—their unprotected state—their patient submission to inconveniences—and their claims to be now heard.

Among the many evils attendant on the junction of the Illinois with the Indiana Territory, it is one, that the seat

of government is at the distance of one hundred and fifty miles from the Illinois settlements—that the intermediate country is not only wholly uninhabited, but that being destitute of wood it will for a long period remain so—dreary beyond description, not a single human dwelling is to be found in this whole region. Besides, being a country low and level, it is drown'd and of course impassable in wet season; and having few streams or fountains it is almost so in dry—that over this inhospitable wild a considerable portion of the inhabitants of the Illinois are obliged, several times a year, to travel as officers, as jurors, as witnesses, as suitors in the National Court holden at Vincennes—that the poor man is often deeply oppressed by the appeal of a wealthy antagonist to a court so distant, and that from these causes an hindrance to the regular administration of justice is most sensibly felt.

Your Memorialists would further suggest that there is not, and cannot be, any natural connection of views between the inhabitants of the Wabash, and the Mississippi; and that the landholders of the former country, have already begun to feel, or to fancy, an interest in preventing the population of the latter. The effects of these feelings, on our society and our government are obvious.

But these evils are not our greatest. It need not be told, at this day, that the people of the Illinois have been precipitated into the second grade of government contrary to their wishes. It need not be told, that the only liberty they find is the liberty of submitting to the will of a part of the territory, more populous, which feels an opposite interest.

Your Memorialists are sorry to add that a resolution has been attempted to be passed at the last session of our legislature, for continuing the union between the middle and the western state, in the present colonial government, till each shall have a sufficient population to form an independ-

ent one. Of this measure we shall say nothing; but that its effect would have been to continue the seat of government at Vincennes, where some of our principal characters have ample possessions—the manner in which it has been brought about is seen in the inclosed depositions.*

Altho your Memorialists can sufficiently appreciate the advantage of having a Court acting with Chancery powers, yet they wish to see these powers vested in the Supreme Court of the territory. It was with pain therefore that they saw a law passed by the last territorial assembly vesting these powers in a single judge appointable by the Governor. It is with pain they are now told that it is in proposition, at the next session, to create a court of appeals. Where will this end? Is it in contemplation to deprive the present Government of its control over its colony? Shall we next see a board of inspection created to correct the movements of the executive?

But your Memorialists wish to drop their tale of griefs, and to take a view of the advantages of the measure proposed.

It cannot be doubted that the erection of a Colonial Government on the banks of the Mississippi would give an exceedingly great spring to the population of the country. It cannot be doubted that an increase of population in this quarter would be important to the Union at large, and the establishment pray'd for productive of tranquility here. The expense of such an establishment is surely trifling for a nation so great, and we dare to assure Congress that it will be infinitely more than compensated by the advantage of an acceleration in the sale of its lands.

Your Memorialists would further beg leave to solicit as a thing which would be promotive of the prosperity of this Country, the permission to hold slaves in it.

The principle of domestic servitude we do not advocate.

*No depositions are on file.

Yet domestic servitude has found its way into the United States. It is immovably established there. When an evil becomes irremediable is it not wisdom to convert it, if possible, to some use?

However unnecessary this state of servitude may be thought in the eastern part of this territory, no man has doubted its importance here, where among whites health and labour are almost incompatible. Here, too, a country to which it would probably bring back the principal settlers of Upper Louisiana, since they have been driven from home by the fear of losing their servants.

Your memorialists would further suggest, that the principal part of the lands within the several parallelograms which by the Act of Congress of June 20, 1788, were directed to be laid off, for the purpose of supplying with tracts of four hundred acres each of the several heads of families in the Illinois, have been covered by antient French grants—that many of the persons having rights founded on this land, and despairing of being able to get them located, have been obliged to settle on the public lands subsequent to the year 1791, since the 3d of March of which year no rights could be obtained by settlement. Your Memorialists would humbly hope that persons under these circumstances may be permitted to locate these rights, on their settlements thus formed, or that certificates of the confirmation of these rights by the Board of Commissioners now sitting in the Country for the division of land claims, may be received in payment for the lands of the United States in this Country, when their office shall be opened for the sale of them.

But your memorialists will not dwell on the importance of those measures which are calculated to accelerate the growth of this country, conscious as they are that to draw a strong Cordon of regular population along the eastern bank of the Mississippi must be felt to be a point of true

National policy, since it would be able by its weight to control and to dissipate those hordes of restless adventurers who by penetrating into the illimitable regions of the west, might defy the national arm and commit the national peace.

Your Memorialists, as in duty bound will ever pray, etc.

Moses Short,	E. Barker,	John Beaird,
Ephraim Belderback,	John Everitt,	William Chalfin,
Henry Levenj,	Samuel Kinney,	M. Jarrot,
Perrey,	J. Edgar,	James Lemen,
J. Messinger,	John Whiteside,	William Scott,
Raphael Drury,	William Goinge,	R. Robinson,
Etne Pinsoneau,	N. Biggs,	

ROBERT ROBINSON,
Clerk of Committee.

Indorsements.

No. 5.

Memorial of sundry inhabitants of the counties of Randolph and St. Clair, in the Indiana Territory.

17th January, 1806,

referred to the committee appointed the 19th ultimo, on a letter from William Henry Harrison, Governor of the Indiana Territory.

13th February, 1806,

Select com'ee disch'd, from so much as relates to donation and pre-emption rights to lands, and the same referred to the Committee on the Public Lands. MR. GARNETT.

NOTE.—There are two other copies of this petition on file, one of which was probably intended for the Senate. They are in a separate wrapper indorsed "26th March, 1806. Referred to the committee of the whole House to whom was committed, on the 14th ultimo, the report of the committee on the letter of Wm. H. Harrison, a memorial of the legislative council and the House of Representatives of the Indiana Territory, and the several petitions of sundry inhabitants of said territory." A copy of the next succeeding paper (minutes of the convention) accompanies them.

MINUTES OF THE CONVENTION.

(Accompanying the preceding.)

At a meeting of the Citizens appointed to form a Committee from the Several Townships in the Counties of St. Clair and Randolph, to take into Consideration and Represent to the General Government the Grievances of these Counties, the 25th day of November, 1805.

Present in Committee—

James Lemon, John Mesenger, William Scott, John Whiteside, Moses Short, John Edgar, E. Backus, John Beaird, E. Belderback, John Everts, William Chaffin, Ralph Drury, Henry Levin, William Goings, Samuel Kenney, Robert Robison, Jean F. Perry, N. Jarrot, Etienne Pansanno, and William Biggs.

On Motion

Unanimously Resolved that Col. John Edgar be Chairman and Robert Robison Clerk of this Committee.

Resolved that a Memorial be prepared stating the Grievances of these Counties. That it be signed by the Members of this Committee, and transmitted to the Senate and house of Representatives of the United States in Session.

Resolved that the following Subjects of Complaint are those which Most essentially Concern the present Happiness and future Growth of this Country—That a Division of the Indiana Territory agreeably to the Ordinance of 1787 designating the tract of Country intended to constitute the Western State, is, to the Inhabitants of these Counties, for reasons stated in the Memorial signed by the Committee, an event much to be desired by every Citizen of the Illinois. And altho' the people of these Counties prefer a State Government, when time shall have Matured them for it, for they too desire to enjoy the priviledges of freemen. Yet this Committee feel fully impressed that while Connected with the people of the Middle District,

whose views are Distinctly marked by the very nature of the country, they cannot hope to derive one solid Advantage in the Progress from a Territorial to a State Government.

And whereas the Ordinance of 1787, for the Government of this Territory, is *Respected* by the people as the Constitution of *their* Country, this Committee entertain a hope that the General Government, after Guaranteeing to the people the privileges in that Ordinance Contained, will not pass unnoticed the Violation thereof By the late act of the Legislature of this Territory Authorizing the importation of Slaves, and involuntary servitude for a term of years.

And altho' this Committee entertain no doubt but that the Act in Question will render service, by adding a Spring to the Growth of this Country, They express the disapprobation of a people, who never will Consent to a Violation of that ordinance, for *this* privilege of slavery. When Congress shall deem a Change of the Ordinance expedient, they will Cheerfully agree to the measure.

That from the extensive Prairies and barren Lands near the Settlements of these Counties, Great Injustice would be done the holders of Militia and Donation Rights were they Compelled to locate them in one or more Parallelograms (or bodies) agreeably to former Regulations; those tracts of land whereon such Locations might be made in justice to the owners of these rights, having already been principally covered by Ancient Grants and the Governor having already ordered the Location of a considerable part of the Militia and some of the Donation Rights in these Counties. This Committee therefore expressing the wish of the people, suggest the plan of Rendering equal Justice to the Citizens by laying the Unlocated Rights in Sections, or half sections, as other lands Originally purchased of Congress.

That much injury will be done the Settlers on Public

Lands, who have made improvements, which do not come with [in] the Act of Congress of 1791 (Respecting improvements) Unless they obtain a pre-emption, or be permitted to Locate Militia or Donation Rights on their Possessions.

Resolved, that the Memorial now before this Committee be received, signed, and transmitted, as in the second Resolution above directed, And that Robert Morrison esquire be appointed Agent by this Committee, on the part of these Counties, whose duty it shall be to lay before Congress in Session, the Papers delivered him in Charge, and to call on William Biggs and Shadrach Bond Esquires, Members of the Legislature of this Territory, and on the part of this Committee request them to give their Affidavits Relative to the Circumstances Referred to in the Memorial, and that the Affidavits so taken be transmitted to Congress with the said Memorial.

Resolved that this Committee do adjourn, to Meet again at such time and place as the Agent Appointed shall Request (Giving Notice) and that he be Authorised (If found expedient) to cause the proceedings of this Committee to be Published.

J. EDGAR, Chairman.

A true Copy.

Attest:

ROBERT ROBINSON, Clerk of Committee.

Indorsement.

Accompanying memorial of sundry inhabitants of the counties of Randolph and St. Clair, presented the 17th January, 1806.

CENSUS ACCOMPANYING PRECEDING.

The following is the Number of Souls as nearly as can be Ascertained now living in the two Counties of St. Clair and Randolph.

The Census taken the first day of April, 1801, as may be seen by a reference to the Secretary of State's office was	2361
The inhabitants of Prairie Duchaine and on the Illinois river at least 550 Souls not included in the Census	550
The Emigration since the Year 1801 to the said two Counties is at least one third of the Original number—say 750	750
The Settlements on the Ohio from the mouth to the Wabash River including the settlements of Fort Massac	650
Total	4311

Robert Morrison Commissioned to take
the Census in the year 1801 in the
above Counties.

Indorsements.

Accompanying the petition of sun-
dry inhabitants of Randolph and St.
Clair counties in the Indiana terri-
tory, presented the 26th of March
1806.

Recd and ref
to whom referred to Harrisons letters.

Fri. Jan. 3
1806

Report made.

Direction on back.

Cahokia 24 Decr.
The Honorable
John Randolph, Esquire,
Representative in Congress,
Washington City.

LEGISLATIVE RESOLUTIONS OF 1807.

(Am. State Papers. Misc. Vol. I, p. 467)

9th Congress]

SLAVERY IN THE INDIANA TERRITORY.

2d session

Communicated to the Senate January 21, 1807.

Resolved, unanimously, by the Legislative Council and House of Representatives of the Indiana Territory, That a suspension of the sixth article of compact between the United States, and the Territories and States northwest of the river Ohio, passed the 13th of July, 1787, for the term of ten years, would be highly advantageous to the said Territory, and meet the approbation of at least nine-tenths of the good citizens of the same.

Resolved, unanimously, That the abstract question of liberty and slavery is not considered as involved in a suspension of the said article, inasmuch, as the number of slaves in the United States would not be augmented by the measure.

Resolved, unanimously, that the suspension of the said article would be equally advantageous to the Territory, to the States from whence the negroes would be brought and to the negroes themselves.

To the Territory because of its situation with regard to the other States, it must be settled by emigrants from those in which slavery is tolerated, or for many years remain in its present situation, its citizens deprived of the greater part of their political rights, and, indeed, of all those which distinguish the American from the citizens and subjects of other Governments.

The States which are overburdened with negroes would be benefitted by their citizens having an opportunity of disposing of the negroes which they cannot comfortably support, or of removing with them to a country abounding with all the necessaries of life; and the negro himself

would exchange a scanty pittance of the coarsest food for a plentiful and nourishing diet, and a situation which admits not the most distant prospect of emancipation, for one which presents no considerable obstacle to his wishes.

Resolved, unanimously, That the citizens of this part of the former Northwestern Territory consider themselves as having claims upon the indulgence of Congress, in regard to a suspension of the said article, because at the time of the adoption of the ordinance of 1787 slavery was tolerated, and slaves generally possessed by the citizens then inhabiting the country, amounting to at least one-half of the present population of Indiana, and because the said ordinance was passed in Congress when the said citizens were not represented in that body, without their being consulted, and without their knowledge and approbation.

Resolved, unanimously, That from the situation, soil, climate, and productions of the territory, it is not believed that the number of slaves would ever bear such proportion to the white population, as to endanger the internal peace and prosperity of the country.

Resolved, unanimously, that copies of these resolutions be delivered to the Governor of this Territory, to be by him forwarded to the President of the Senate, and to the Speaker of the House of Representatives of the United States, with a request that they will lay the same before the Senate and House of Representatives, over which they respectively preside.

Resolved, unanimously, That a copy of these resolutions be delivered to the delegate to Congress from this Territory, and that he be, and he hereby is, instructed to use his best endeavors to obtain a suspension of the said article.

JESSE B. THOMAS, Speaker of the
House of Representatives.

PIERRE MENARD, President *pro tem*
of the Legislative Council.

SIR :

Agreeably to the request of the Legislative Council and House of Representatives of this Territory, I have the honor to enclose herewith certain resolutions by them adopted, and ask the favor of you to lay them before the Senate of the United States.

I have the honor to be, with great respect and esteem,
sir, your very humble servant,

WILLIAM HENRY HARRISON.

The Hon. the Speaker of the Senate of the United States.

HOUSE REPORT ON THE PRECEDING.

(Am. State Papers. Misc. Vol. I, p. 477.)
9th Congress] [2nd session
SLAVERY IN THE INDIANA TERRITORY.

Communicated to the House of Representatives on the 12th of Feb., 1807.

Mr. Parke, from the committee to whom was referred the letter of William Henry Harrison, Governor of the Indiana Territory, inclosing certain resolutions of the Legislative Council and House of Representatives of the said Territory, made the following report :

That the resolutions of the Legislative Council and House of Representatives of the Indiana Territory, relate to a suspension, for the term of ten years, of the sixth article of compact between the United States and the Territories and States northwest of the river Ohio, passed the 13th of July, 1787. That article declares : "There shall be neither slavery nor involuntary servitude in the said Territory."

The suspension of the said article would operate an immediate and essential benefit to the Territory, as emigration to it will be inconsiderable for many years, except from those States where slavery is tolerated ; and although it is not considered expedient to force the population of the

Territory, yet it is desirable to connect its scattered settlements, and, in regard to political rights to place it on an equal footing with the different States. From the interior situation of the Territory, it is not believed that slaves would ever become so numerous as to endanger the internal peace or future prosperity of the country. The current of emigration flowing to the western country, the Territories ought all to be opened to their introduction. The abstract question of liberty and slavery is not involved in the proposed measure, as slavery now exists to a considerable extent in different parts of the Union ; it would not augment the number of slaves, but merely authorize the removal to Indiana of such as are held in bondage in the United States. If slavery is an evil, means ought to be devised to render it least dangerous to the community, and by which the hapless situation of the slaves would be ameliorated ; and to accomplish these objects, no measure would be so effectual as the one proposed. The committee, therefore, respectfully submit to the House the following resolution :

Resolved, That it is expedient to suspend, from and after the 1st day of January, 1808, the sixth article of compact between the United States and the Territories and States northwest of the river Ohio, passed the 13th day of July 1787, for the term of ten years.

PETITION OF RANDOLPH AND ST. CLAIR COUNTIES,
FEBRUARY 20, 1807.

(Copy of Original Paper. House Files.)

To the Honorable the Senate and House of Representatives of the United States, the memorial of the undersigned, a committee for this purpose by the people of the Illinois Country, humbly Sheweth:

That at the last session of your Honorable body, your Memorialists presented a petition praying for the division

of the Indiana Territory, and the erection of a colonial Government on the banks of the Mississippi. Your Memorialists will not repeat the reasons then urged in support of this request; Since it would be merely the repetition of a tale of sufferings.

Three circumstances have impelled your Memorialists again to appeal to the humanity of Congress—

They are now happy to have it in their power to petition for a Government, cheap, active and liberal—a Government combining the principles of freedom and subordination; and which has received so strong a proof of the national approbation. Your memorialists refer to the proposed Government for the Michigan Territory—one probably as free as the capacity of this country can support.

Your memorialists have the more confidence in this request when they consider their increased population, which will be shown by the documents accompanying this memorial.* Is it presumption in the inhabitants of the western division, with a population of five thousand souls, and Separated from the Seat of their Government by an almost impassible wilderness of one hundred and eighty miles; to hope for an establishment so little expensive?

But when your Memorialists contemplate the probable movements which may arise out of an European peace, now apparently about to take place, they cannot but feel the importance of union, of energy, of population on this shore of the Mississippi—they cannot but shudder at the horrors which may arise from a *disaffection in the West*:—and can it be much to the American people to grant to their brethren in this distant region a government to which, in an evil hour, they can speedily fly for direction and support?

Your Memorialists as in duty bound will ever pray, &c.

GEORGE ATCHISON, Chairman.

*NOTE—Not on file.

J. Edgar,	James Lemen,	John Messinger,
Ab'm Irnan,	William Scott,	Solomon Stoucky,
Ephraim Belderback,	Moses Short,	John Whiteside,
John Everitt,	R. Robinson,	John Beaird,
Perrey,	Et'ne Pinsoneau,	N. Jarrot,
Will Whiteside,	Raphael Drury.	

Indorsement.

Petition of Sundry Inhabitants of
the Indiana Territory.

20th February, 1807,
Referred to Mr. Parke,
" Varnum,
" Alston,
" Kelly,
" Sanford,
" Jere Morrow and
" Philip R. Thompson

26th February, 1807,
Report made, considered and agreed
to.

PETITION OF RANDOLPH COUNTY, FEBRUARY 20, 1807,
COUNTER TO THE PRECEDING PETITION.

(Copy of Original Paper. House Files.)

*To the Honorable the Congress of the United States, the petition of
sundry the Inhabitants of the county of Randolph, on the Mississippi,
in the Indiana Territory, Humbly Sheweth:*

That your petitioners have observed with sincere regrets the machinations of certain men in the Mississippi settlements to effect a division of the Indiana Territory. A sham convention has lately sat in the county, petitioning your honorable body to that purpose. The presumptuous proceedings of this body turns the name convention into contempt and ridicule. It would seem from the assumptions of these pretended conventionalists that they were the

regularly elected Delegates of the respective Townships, to represent the two counties on the Mississippi in convention. No election was holden in Mitchi Township, nor that of Priara du Rocher—in Kaskaskia there was a sham election of a few persons, it is believed the Deputies chosen comprised one half of those present & indeed of those who had any notice of it. But where the people were ignorant of the measure or refused a concurrence, these Gentlemen assumed whatever was necessary to make themselves at least the nominal Representatives of the respective Townships. So far as to the conduct of the Representatives or conventionalists.

But the measure itself is viewed by your Petitioners as calculated to produce the most injurious effects. There is no reason to believe that your Honorable Body will grant the form of Government recommended by this Convention, & even were it conceded to the people, we conceive they would not be in so eligible a situation as they now are. The second grade of government has lately been adopted; a Representative government has been secured to the country; no taxes have yet been paid by the Mississippi settlements, & from the measures of the last session of the Legislature your petitioners have every reason to believe that a system of prudence and economy will be pursued by that body. As yet there has been no cause to complain. No reason presents itself to the minds of your petitioners which renders the project at least plausible. Your petitioners therefore pray that a Division of the Territory may not take place.

Jas. Gilbreath,	Henry Connor,
A. Lanawoer,	Hipolite Menard,
Ante X Lachapelle,	Gabriel X Lafleur <i>alias</i> Gagent,
Bapte X Gendron,	Joseph X Chamberland,
Bapte-Germain X Chamberland, Jr.,	Henry X Bienvenue,
Joseph X Deregnay,	Ante. X Casson <i>alias</i> Prevost,
Charles X Dany, <i>alias</i> Boutine,	Nicholas X Eneaux <i>alias</i> Canada,

Fran. Bapte X Caloute,	Joseph X Longreal,
Louis Germain X Chamberland, Senr,	Pierre Marassi,
Louis Germain X Chamberland, Jnr.,	Francois Menard,
Louis X Buatte,	Alexis Doza,
Abel Dewey,	Gerome Danis, Senr,
Bapte. X Danis, Jr.,	Blaise Barute,
Samuel Cochran,	Antoine Poere,
L. Lachapelle,	Nicholas Buatte,
Joseph X Lamare,	Ante. Danis, Jn'or,
Ante. X Labrierre,	Jean Bapte. Lagrandeur <i>alias</i> Guitaro,
Bapte. Barbau	Louis Pillette <i>alias</i> Lasoude,
Clement Drury,	Jph. Krey,
Antoine Blay,	Ante. Peltier <i>alias</i> Autoya,
G. Delochy,	Pierre Le Conte,
Benifance Pana <i>alias</i> Godair,	Andre Barbar,
Ambrose Valeur,	Louis Decochy,
E. Carpenter,	Jrm. Toiton,
Francois X Tanqui,	Charles X Blay,
Francois X Tibeau,	Joseph X Blay,
Jean Bapte X Godair,	Antoine X Cotinaux,
Etienne X Langlois,	Francois Langlois,
Auguste X Allard <i>alias</i> Parier,	Antoinne X Louvierre,
Jean Bapte X Perrin,	Antoine X Blay,
Pierre X Godair <i>alias</i> Pana,	Charles X Tibaux,
Isidore X Godair <i>alias</i> Pana,	Joseph X Lavoie, Sen'r,
Louis X Perio <i>alias</i> Verboncoeur,	Isidore Godair, Jun'r,
G. Decochy <i>fils</i> ,	Joseph Peltier,
Jean Bapte. X Duelos,	Wm. Alexander,
Nicolas X Olivier <i>alias</i> Mahin,	Jesse Maner,
Robert Hays,	Louis X Archambeau,
Richard Hazel,	Michel X Bienvenu,
Elijah Estes,	Diego X Rodrigue,
Daniel Hazel,	Michel X Danis, jun'r,
Jas. Ford,	John Cochran,
Jno. Harrison,	Chs. Brown,
Abijah Leavitt,	John Right,
Wm. Boon,	Wm. Appellate,
Robt. Patton,	William Shaw,
James Harrison,	Johnston Cambel,
John Hughs,	John Carson,
George Fisher,	Saml. Jaunay,
John Hague,	James Smith,
J. Finney,	Steton Bunch,
Charles McNabb,	Henry Kiefhart.

Indorsement.

Petition of
sundry inhabitants of the county of
Randolph, in the Indiana territory.

20th February, 1807.

Referred to Mr. Parke,

" Varnum,
" Alston,
" Kelly,
" Sanford,
" Jere Morrow and
" P. R. Thompson.

26th February, 1807.

Report made, Considered
and agreed to

LEGISLATIVE PETITION OF 1807.

(Am. State Papers. Misc. Vol. I, p. 484.)

In the Legislative Council and House of Representatives in the Indiana Territory:

Great solicitude has been evinced by the citizens of this Territory on the subject of the introduction of slaves. In the year 1802 a special convention of delegates from the respective counties petitioned Congress for a suspension of the sixth article of compact, contained in the ordinance of 1787. In 1805 a majority of the members of the Legislative Council and House of Representatives remonstrated with Congress on the subject. In 1806 the Legislative Council and House of Representatives passed sundry resolutions, which were laid before Congress, declaratory of their sense of the propriety of admitting slaves; and, as the citizens of the Territory decidedly approve of the toleration of slavery, the Legislative Council and House of Representatives consider it incumbent on them briefly to state, on behalf of themselves and their constituents, the

reasons which have influenced them in favor of the measure.

In the first place, candor induces us to premise that, in regard to the right of holding slaves, a variety in opinion exists; whilst some consider it decent and just to acquire them either by purchase or conquest, others consider their possession, by either tenure, as a crime of the deepest stain; that it is repugnant to every principle of natural justice, of political rights, and to every sentiment of humanity. Without entering into the merits of this controversy, it need only be remarked, that the proposition to introduce slavery into the Territory is not embraced by them. It is not a question of liberty or slavery. Slavery now exists in the United States, and in this Territory. It was the crime of England and their misfortune; and it now becomes a question, merely of policy in what way the slaves are to be disposed of, that they may be least dangerous to the community, most useful to their proprietors, and by which their situation may be ameliorated.

As the law of Congress, prohibiting the further importation of slaves into the United States, takes effect the 1st of January next, it is evident that the proposed toleration will not increase the number in the United States.

It is believed (and has not experience verified the fact?) that such is the number of slaves in the Southern States, that the safety of individuals, as well as the political institutions of those States, are exposed to no small hazard. However desirable it may be to emancipate them, it can never be done until they are dispersed; it would be equally impolitic for the whites as for the slaves. The great current of emigration is constantly flowing from the Eastern and Southern States to the Western States and Territories. The increase of population in the western country for the last twenty years may afford some idea of its probable amount in the course of the present century; it must

be immense ; and were all the territories opened to the introduction of slaves, a large proportion of them would naturally be drawn from the Southern States.

From a reference to the States of Kentucky and Tennessee at the time of the last United States census, it is not believed that the number of slaves would ever become so great as to endanger either the internal peace or future prosperity of the Territory. It is also rendered improbable from the interior situation of the Territory, its climate and productions.

Slavery is tolerated in the Territories of Orleans, Mississippi, and Louisiana ; why should this Territory be excepted.

It is believed that slaves, possessed in small numbers by farmers, are better fed and better clothed than when they are crowded together in quarters by hundreds ; their situation in Kentucky, Tennessee, and the back parts of Maryland and Virginia verify this belief.

Resolved, By the Legislative Council and House of Representatives of the Indiana Territory, That it is expedient to suspend for a given number of years the sixth article of compact, contained in the ordinance for the government of the Northwestern Territory, passed the 13th day of July, in the year 1787.

Resolved, That a copy of the foregoing be forwarded to the Vice President of the United States, with a request that he will lay the same before the Senate ; and that a copy be forwarded to the Speaker of the House of Representatives, with a request that he will lay the same before the said House of Representatives ; and that the Governor of this Territory be requested to forward the same, as aforesaid.

JESSE B. THOMAS,

Speaker of the House of Representatives.

SAMUEL GWATHEMY,

President pro tem. of the Legislative Council.

Passed the Legislative Council, September 19, 1807.

Attest : H. HURST, Chief Clerk.

COUNTER PETITION OF CLARK COUNTY.

(Accompanying the above.)

At a numerous meeting of the citizens of Clark county in Springville, (agreeably to notice previously given,) on Saturday, the 10th day of October, 1807, for the purpose of taking into consideration the resolutions passed at the last session of the Legislature of the Indiana Territory, praying the Congress of the United States to suspend for a certain time the sixth article of compact, contained in the ordinance, Mr. John Beggs was chosen chairman, and Davis Floyd, secretary. On motion,

Ordered, That a committee of five suitable persons be appointed to draught and report to this meeting, a memorial to Congress, in opposition to the resolutions of the Legislature of the Indiana Territory on the subject of slavery in this Territory, by the suspension of the sixth article of compact contained in the ordinance.

And the said committee was appointed of Messrs. Abraham Little, John Owens, Charles Beggs, Robert Robertson, and James Beggs.

Mr. Little from the aforesaid committee, reported a memorial, pursuant to the aforesaid order, in the words and figures following, viz :

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the citizens of Clark county, humbly sheweth that great anxiety has been, and still is, evinced by some of the citizens of this Territory, on the subject of the introduction of slavery into the same ; but in no case has the voice of the citizens been unanimous. In the year 1802, at a special convention of delegates from the respective counties, a petition was forwarded to Congress to repeal the sixth article of compact contained in the ordinance ;

but the representation of all that part of the Territory east of Vincennes were present, and were decidedly opposed to that part of the petition.

In the year 1805, the subject was again taken up and discussed in the General Assembly, and a majority of the House of Representatives voted against said memorial on the aforesaid subject, and, consequently the memorial was rejected, as the journals of that house doth sufficiently evince; but a number of citizens thought proper to sign the same, and, amongst the rest, the Speaker of the House of Representatives and the President of the Council, (though the President of the Council denies ever having signed the same;) and, by some legislative legerdemain it found its way into the Congress of the United States, as the legislative act of the Territory. In the present year of 1807, the subject was again taken up by the Legislature of this Territory, and a majority of both Houses passed certain resolutions (in the proportion of two to one) for the purpose of suspending the sixth article of compact contained in the ordinance, which we presume are before your honorable body. But let it be understood that in the Legislative Council there were only three members present, who, for certain reasons, positively refused to sign the said resolutions; and they were reduced to the last subterfuge of prevailing on the president to leave his seat, and one of the other members to take it as president *pro tem.*, for the purpose of signing the said resolutions. Whether this be right or wrong, judge ye. And although it is contended by some, that, at this day, there is a great majority in favor of slavery, whilst the opposite opinion is held by others, the fact is certainly doubtful. But when we take into consideration the vast emigration into this Territory, and of citizens too, decidedly opposed to the measure, we feel satisfied that, at all events, Congress will suspend any legislative act on this subject, until we shall, by the con-

stitution, be admitted into the Union, and have a right to adopt such a constitution, in this respect, as may comport with the wishes of the majority of the citizens.

As to the propriety of holding those in slavery whom it hath pleased the Divine Creator to create free, seems to us to be repugnant to the inestimable principles of a republican Government. Although some of the States have, and do hold slaves, yet it seems to be the general opinion, even in those States, that they are an evil from which they cannot extricate themselves. As to the interest of the Territory, a variety of opinions exist; but suffer your memorialists to state that it is a fact that a great number of citizens, in various parts of the United States, are preparing and many have actually emigrated to this Territory, to get free from a government which does tolerate slavery. The toleration of slavery is either right or wrong; and if Congress should think, with us, that it is wrong, that it is inconsistent with the principles upon which our future constitution is to be formed, your memorialists will rest satisfied that at least this subject will not be by them taken up until the constitutional number of the citizens of this Territory shall assume that right. It is considered useless for your memorialists to recapitulate the many reasons and objections which might be advanced, relying that this subject is fully and fairly understood by your honorable body as it relates to the natural right, policy and prosperity of a free and independent nation. On motion,

Resolved, That the chairman be requested to forward duplicate copies of these proceedings, (signed by the said chairman, and countersigned by the secretary,) one to the Vice President of the United States or President of the Senate *pro tem.*, and one to the Speaker of the House of Representatives in the Congress of the United States.

By order of the meeting,

JOHN BEGGS, Chairman.

Attest: DAVIS FLOYD, Secretary.

REPORT ON THE PRECEDING.

(Am. State Papers, Misc., Vol. 1, p. 484.)
10th Congress] SLAVERY IN THE INDIANA TERRITORY. [1st session

Communicated to the Senate, November 13, 1807.

Mr. Franklin, from the committee to whom was referred the representation and resolution of the Legislative Council and House of Representatives of the Indiana Territory, bearing date the 13th of July, 1807; and, also, the remonstrance of the citizens of Clark county, of the Territory aforesaid, reported:

The Legislative Council and House of Representatives, in their resolutions, express their sense of the propriety of introducing slavery into their Territory, and solicit the Congress of the United States to suspend, for a given number of years, the sixth article of compact, in the ordinance for the government of the Territory, northwest of the river Ohio, passed the 13th day of July, 1787. That article declares: "There shall be neither slavery nor involuntary servitude in the said Territory."

The citizens of Clark county, in their remonstrance, express their sense of the impropriety of the measure, and solicit the Congress of the United States not to act on the subject so as to permit the introduction of slaves into the Territory; at least until their population shall entitle them to form a constitution and State Government.

Your committee, after duly considering the matter, respectfully submit the following resolution:

Resolved, That it is not expedient at this time to suspend the sixth article of compact, for the government of the Territory of the United States northwest of the river Ohio.

THE REPORT OF GENERAL W. JOHNSTON,
CHAIRMAN OF THE COMMITTEE TO WHICH THE PETITIONS
ON THE SLAVERY QUESTION HAD BEEN REFERRED.

(Vincennes Sun, December 17, 1808.)

"After a struggle of seven years the inhabitants of this portion of the British Empire in America found themselves in possession of independence as a nation and in this institution they adopted they secured the enjoyment of a degree of personal liberty utterly unknown to any other government; but an unfortunate circumstance darkened the cheering prospect. In every state, but especially in the Southern section of the Union, an oppressed race of man supplied by a most inhuman trade, portended the most serious evils to the American nation. Sensible that slavery, in a country where liberty was deservedly so dear and had been purchased at so high a price, presented a feature of deformity not to be justified, every state hastened to put an end to the horrid traffic; those states which could do it without danger abolished slavery altogether; and those which from the great number of their negroes could not with a due regard to their safety follow at once the dictates of justice and humanity, enacted laws for the protection of that unfortunate class of men and their gradual emancipation. When the North Western Territory was ceded by Virginia to the United States, Congress obeyed the impulse of justice and benevolence, endeavored to prevent the propagation of an evil which they could not totally eradicate, by enacting in the ordinance which forms our constitution that there shall be neither slavery nor involuntary servitude in the Territory, otherwise than etc.

The law of the Territory entitled an act concerning the introduction of negroes and mulattoes into the Territory,

makes it lawful for an holder of slaves to bring them into the Territory and to keep them therein during sixty days, during which period the negroe is offered the alternative of either signing an indenture by which he binds himself for a number of years, or of being sent to a slave state or Territory there to be sold. The natural inference from this statement forces itself upon the mind that the slave thus circumstanced is held in involuntary servitude, and that the law permitting such proceedings is contrary both to the spirit and letter of the ordinance and that therefore it is unconstitutional—your committee might add that the most flagitious abuse is made of that law; that negroes brought here are commonly forced to bind themselves for a number of years reaching or extending the natural term of their lives, so that the condition of those unfortunate persons is not only involuntary servitude but downright slavery—it is perhaps unnecessary to advert to the novel circumstances of a person under extreme duress of a slave becoming a party to a contract, parting with himself and receiving nothing.

1. That slavery though in itself unjust might nevertheless be tolerated from reasons of expediency is a point which your committee do not feel themselves at liberty to concede. They are firmly fixed in the persuasion that what is morally wrong can never by expediency be made right—such a pliable doctrine if generally admitted would soon line our highways with banditti, our streets with foot pads, and fill our exchange alleys with swindlers; but policy itself forbids the measure. With respect to population, the great and more compact population of the Middle and Eastern States, compared to that of the Southern states, justifies the expectation that emigration will proceed more from the first than the last. This observation will be rendered conclusive by this fact, that the State of Virginia, older and larger than Pennsylvania, contains

a body of militia of sixty odd thousand men, while Pennsylvania actually musters ninety odd thousand men.

2. With respect to the spirit of enterprise and internal improvements, your committee cannot trespass upon the time of the House by entering minutely into the elucidation of this important subject, on which very erroneous opinions have been entertained. They will only observe that a general view of the different states of the Union, and of their respective means of prosperity and importance will soon convince the impartial enquirer that the hand of freedom can best lay the foundation to raise the fabric of public prosperity. The old states north of Maryland, without one single precious commodity, exporting nothing but bulky articles, present every where the spectacle of industry and animation. The style of their agriculture is superior; their mills, bridges, roads, canals, their manufactures, are in point of number without a parallel in the Southern states, and they, besides other parts of the world, export to those states manufactured commodities to a large amount annually. On the subject of public improvements we will beg leave to refer the House to a document laid before Congress on the subject of roads and canals. The state of Ohio furnishes us with a case in point which aptly illustrates the two foregoing observations. In the short space of a few years our eyes witness growing into importance, where but a little while before Indian hordes and savage beasts roamed without control, farms, villages, towns, multiplying with a rapidity unprecedented in the history of new settlements; the same cause will produce the same effects. The exertions of the free man who labors for himself and family must be more effectual than the faint efforts of a meek and dispirited slave whose condition is never to be bettered by his incessant toils. The industrious will flock where industry is honorable and honored, and the man of an independent spirit where

equity [equality?] reigns, and where no proud nabob can cast on him a look of contempt.

3d. With respect to the influence which the practice of slavery may have upon morals and manners; when men are invested with an uncontrolled power over a number of friendless human beings held to incessant labor; when they can daily see the whip hurrying promiscuously the young, the aged, the infirm, the pregnant woman, and the mother with her suckling infant to their daily toil; when they can see them unmoved shivering with cold and pinched with hunger; when they can barter a human being with the same unfeeling indifference that they barter a horse; part the wife from her husband, and unmindful of their mutual cries tear the child from its mother; when they can in the unbridled gust of stormy passions inflict cruel punishments which no law can avert or mitigate; when such things can take place, can it be expected that the milk of human kindness will ever moisten the eyes of men in the daily practice of such enormities; and that they will respect the moral obligations or the laws of justice which they are constantly outraging with the wretched negro. Their passions, never controlled, will break out in frequent quarrels, which will be decided with savage cruelty, and their manners will receive a tinge of repelling fierceness, which will be too often discernible where a proper education has not softened and expanded the heart and corrected the understanding. At the very moment that the progress of reason and general benevolence is consigning slavery to its merited destination, that England, sordid England, is blushing at the practice, that all good men of the Southern states repeat in one common response *'I tremble for my country when I reflect that God is just,'* must the Territory of Indiana take a retrograde step into barbarism and assimilate itself with Algiers and Morocco?

4th. With respect to its political effects, it may be worthy

of enquiry how long the political institutions of a people admitting slavery may be expected to remain uninjured, how proper a school for the acquirement of republican virtues is a state of things wherein usurpation is sanctioned by law, wherein the commands of justice are trampled under foot, wherein those claiming the right of free men are themselves the most execrable of tyrants, and where is consecrated the dangerous maxim "that power is right." Your committee will here only observe that the habit of unlimited dominion in the slave-holder will beget in him a spirit of haughtiness and pride productive of a proportional habit of servility and despondence in those who possess no negroes, both equally inimical to our institutions. The lord of three or four hundred negroes will not easily forgive, and the mechanic and laboring man will seldom venture a vote contrary to the will of such an influential being. This question your committee have hitherto only considered in relation to the internal prosperity and happiness of the Territory, they cannot yet dismiss the subject without offering to this House two observations tending to prove that in relation to the United States the admission of slavery into this Territory is a measure which neither justice nor policy can justify. The negro holders can emigrate with their slaves into the extensive Mississippi Territory, the Territory of New Orleans, and the more extensive Louisiana. By opening to them the Territory of Indiana, a kind of monopoly of the United States land is granted to them, and the Middle and Eastern States as well as enemies of slavery from the South are effectually precluded from forming settlements in any of the Territories of the United States. Your committee respectfully conceive that the National Legislature can not with justice make such an unequal distribution (if they may be allowed the expression) of the lands with the disposal of which they are entrusted for the

benefit of all, but especially of those states whose overflowing population renders emigration necessary.

If we take a general survey of the geographical extent of the United States, we'll see with concern the system of slavery extending from the line of Pennsylvania and the Ohio river to the Floridas, and from the Atlantic to the Mississippi. By the purchase of Louisiana where it was found existing, it may spread to our indefinite extent North and West, so that it may be said to have received a most alarming extension and is calculated to excite the most serious fears. By admitting it to Indiana, that is to say opening to it the vast tract of country lying between the state of Ohio, the river of that name, the Lakes, and the Mississippi, the comparative importance of the Middle and Eastern states, the real strength of the Union, is greatly reduced, and the dangers threatening the internal tranquility of the United States proportionably increased.

From the above reasons, and many others which might be adduced, your committee are of opinion that slavery cannot and ought not to be admitted into this Territory; that it is inexpedient to petition Congress for a modification of that part of the ordinance relative to slavery; and that the act of the Legislature of Indiana for the introduction of negroes and mulattoes into the said Territory ought to be repealed, for which purpose they have herewith reported a bill.

Your committee are further of opinion that a copy of this report and a copy of one of the petitions upon which the same is predicated be immediately made out, signed by the Speaker of this House and attested by the Clerk, and forwarded by the ensuing mail to the Speaker of the House of Representatives of the United States, with a request that he will lay the same before Congress."

GENL. W. JOHNSTON.

Chairman of Committee."

OPINION OF JOHN JOHNSON, IN POLLY'S CASE.

In 1779 or 80 a negro woman was taken prisoner by the Indians, of the age of 15. She was sold to Isaac Williams, at Detroit and sold by said Williams to Antoine Lasselle. While the said woman was in the possession of Lasselle she had three children, two of whom I. B. Laphant purchased. Question are those children slaves?

As to the first point, the woman was taken by the Indians as allies of England while they were in a state of warfare with the state of Virginia and the other states of the United States. As such she must be considered as a lawful prize, at least so much so that the conqueror had a right by virtue of his power to dispose of her life or person as he might think proper. This position is strengthened because of her being held as a species of property by her owner before and at the time she was taken. Secondly Detroit and what was formerly called the North Western Territory in the years 1779 & 80 (nay untill 1783) was an integral part of the state of Virginia and governed by the same laws. By a law of the Colony of Virginia passed in the year 1705 negroes reduced to possession are considered as slaves. This law still continues in force with some small variation with regard to the manner of transferring that property. Thus the said woman could be held as a slave either by virtue of conquest or by virtue of the laws of Virginia.

In 1783 Virginia ceded the North Western Territory including Detroit to the United States. By the articles of cession and by the Ordinance for the Government of this Territory the rights and privileges and also the property of the inhabitants are guaranteed to them. Hence the said negro woman being taken and considered as a species of property prior to the adoption of the Ordinance for the Government of the said Territory the 6th article thereof which

prohibits involuntary servitude can not affect her condition or the rights of her master. Thirdly the children follow the condition of the mother and not of the father. This point is as well defined by law as any other whatever and the reason of it is this. The Slave being considered as the absolute property of the master for life he has a right to all the undivided emoluments arising from such slave and the increase of such female slave being part of the benefit arising from such kind of property as much so as her labor. From the foregoing premises I am decidedly of opinion that the children of the Negro Woman alluded to are slaves.

JNO. JOHNSON.

Indorsement.

Opinion Johohn Jonson Avocast
pour polés négresse.

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